



City of Morgan Hill

City Council Staff Report

File #: 14-520, Agenda Date: 2/4/2015, Version: 1

CITY COUNCIL STAFF REPORT **MEETING DATE: FEBRUARY 4, 2015**

PREPARED BY: Sheldon Ah Sing, Contract Planner/Community Development
APPROVED BY: City Manager

GENERAL PLAN AMENDMENT GPA-11-04 / ZONING AMENDMENT ZA-11-04 / URBAN SERVICE AREA USA-05-02 / ANNEXATION ANX-06-01: EDMUNDSON- OAK MEADOW

RECOMMENDATION(S):

1. Open/close Public Hearing
2. Adopt Resolution approving Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program
3. Adopt Resolution for General Plan Amendment as proposed by the Planning Commission
4. Table Urban Service Area, Annexation and Pre-Zone Applications

COUNCIL PRIORITIES SUPPORTED:

Ongoing Priorities

Protecting the Environment

Annual Priorities

Enhancing Community Engagement & Diversity

NARRATIVE:

Applicant's Request

The applicant requests to amend the General Plan land use designation for 31 acres from Rural County to Open Space to support future annexation into the City; amend Action Statement 7.5 of the General Plan to modify policies specific to the project site; expand the Urban Services Area Boundary; and pre-zone approximately 20 acres to allow the future consideration to construct 44 single-family dwelling units.

COMMUNITY ENGAGEMENT:

The project has received a significant amount of public comment. The majority of which has been in opposition to the project because of loss of open space and views and the impacts that could be caused by new development, including traffic, safety, noise, and hydrology.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:**2006 Memorandum of Understanding**

In February 2006, the City of Morgan Hill, the project applicant, and adjacent landowners within the unincorporated County entered into a non-binding Memorandum of Understanding (MOU) that established expectations for future possible development of the 118-acre project site area. A summary of these expectations were included as Action Statement 7.5 within the General Plan.

2006 Project

In April 2006 the City Council adopted a Mitigated Negative Declaration for the City of Morgan Hill Urban Limit Line and Greenbelt Study General Plan Amendment and Related Actions. The environmental document analyzed the proposed Urban Limit Line (ULL) and greenbelt for Morgan Hill and also provided a programmatic level environmental review for three residential projects, which included the project. The City Council approved the adjustments to the ULL and Urban Growth Boundary and established a General Plan land use designation of Single-Family Low for a 19.99-acre development site, allowing up to 60 single-family homes. The remaining requests were tabled due to community concerns, including access and traffic concerns expressed by residents of the adjacent neighborhoods to the east.

2012 Project

In 2011, the project applicants modified their development plan to reduce the number of units to 54, met with the neighbors, re-initiated the 2006 applications, and filed two new applications for a General Plan Amendment and pre-zoning. The project was processed and was the subject of two Planning Commission hearings (August 28, 2012 and September 11, 2012). Issues were raised from the public about the views of the hillsides, traffic, and consistency with the City's adopted plans. The project was tabled to a later date. The applicant explored alternatives for providing access to the proposed development through unincorporated areas, but eventually concluded that such an approach would be infeasible.

2014 Project

The project applicant requested that the City complete processing of their application. The project has been considered at four Planning Commission hearings. Through this process, the applicant reduced their project from 54 units to the current proposal to develop 44 units and made other changes to the site plan to create open space areas and view corridors. The project was also modified to include future publicly accessible trail connections through the project site including the larger open space area.

September 9, 2014 Planning Commission Meeting

Residents from the adjacent neighborhood spoke in opposition to the project for several reasons, including loss of views of the hillsides and inconsistencies with the City's General Plan. The project applicant clarified that the project would establish open space easements on the portion of the site that would remain in the County. The Commission discussed possible compromises between denying the proposal and allowing some development, considering the concerns from the residents and staff and the desires of the applicant. The Commission continued the item to the October 14, 2014 meeting and directed the applicant to consider and propose:

- 1) Reducing the proposed number of units to 22;
- 2) Clustering house lots to minimize impacts on view sheds for adjacent residents; and
- 3) Clarification of the open space easements for 81 acres to meet the City's Benefit Criteria.

The Commission also directed staff to illustrate how Action Statement 7.5 in the General Plan could be implemented as currently drafted and with the proposed text amendments. The staff report and minutes are included as attachments.

October 14, 2014 Planning Commission Meeting

At the October 14, 2014 Planning Commission meeting, the Commission heard testimony and evidence from staff, the applicant and the public. Staff explained how Action Statement 7.5 would be currently implemented and implemented as proposed by the amendment. Given the testimony and evidence presented and since the applicant had not made changes to the project as requested by the Commission, the Commission took action to recommend that the City Council deny the project. The staff report and meeting minutes are included as attachments.

November 18, 2014 Planning Commission Meeting

After the October 14, 2014 Commission decision, the applicant submitted a request for an additional Planning Commission hearing as allowed through the City processes. Staff supported an additional hearing to better resolve project issues before conduct of a City Council hearing. The applicant submitted a revised site plan as a response to the prior Commission's direction. The revised site plan indicated 38 dwelling units and identified potential view sheds through streets and private side yards.

At the November 18, 2014 Planning Commission meeting, the Commission heard testimony and evidence from staff, the applicant and the public. Staff summarized the changes to the site plan, provided an example of a clustered development, and summarized the project's public benefit package. The Commission still had concerns regarding the site plan and the benefit package, including the quality of the proposed view sheds, landscaping and the number of dwelling units proposed. The applicant mentioned that a 22-unit plan could be proposed to address the concerns of the Commission. The Planning Commission recommended that the item be continued to a Commission meeting in January 2015 to give the applicant sufficient time to address the concerns of the Commission, staff and the public. The staff report and meeting minutes are included as attachments.

January 13, 2015 Planning Commission Meeting

For the January 13 Commission meeting, the applicant submitted a revised plan (the current proposal) for 44 dwelling units in four clusters along with open space / view corridors at three locations. The public benefit package was modified to include trail connections through the project site to the open space area that would link to regional trails and which would satisfy the public benefit criteria for desirable infill mandated in the City's Municipal Code for USA expansions.

The Commission asked why the applicant had not developed a plan for 22 units as directed by the Commission. The applicant responded that a 22-unit project is infeasible to develop. According to the applicant, their current plan proposes a similar or less amount of grading in comparison to the previous 38-unit proposal, represents the mid-range of the existing General Plan Single-Family Low designation density and would provide a sensitive lot transition between the existing neighborhood

and the proposed.

At the meeting, numerous neighbors spoke in opposition to the project, describing their frustration with the long process and the oft-changing proposals submitted to the Commission. Many recognized that something would be developed there, but hoped the amount of density would be around 22 units.

After significant discussion, the Commission voted to recommend that the City Council approve the Mitigated Negative Declaration and approve the GPA for the open space parcels with a text amendment to Action Statement 7.5 of the General Plan limiting the development to 22 units. The Commission decided to table other components of the project so that they could be further developed based upon the outcome of the City Council hearing on the GPA.

The recommendation by the Commission would mean that the applicant would need to pursue the USA, Zoning and Annexation at a later date. Alternatively, the Council's packet includes Resolutions and Ordinance for the Council to take action on approving the applicant's request.

Consistency with City Policy

As discussed in the previous Planning Commission staff reports, the current proposal, which includes the dedication of land to serve as a public trail, would be consistent with the City's criteria for Beneficial Infill pertaining to annexation of residential lands. The current proposal also includes view corridors and clusters development at lower elevations so that it could be found consistent with the City's General Plan Hillside policies and the current land use designation of Single-Family Low (1-3 du/ac). The Planning Commission however has determined that the proposed density is too high for a location at the City's periphery and that therefore the site should be limited to the low end (e.g., 1 du/ac) of the governing General Plan land use designation density range.

Alternatives

In the event the Council would like to pursue another option than that recommended by the Planning Commission, staff has provided the following alternatives for consideration.

Alternative #1 - Applicant's Proposal

The applicant's 44 unit proposal would develop the subject parcel at a density of approximately 3 du/ac, provide public trail connections through the project site, and cluster development so as to preserve open space and views of the hillside. The City Council could determine that the current proposal adequately conforms to the City's General Plan and other applicable policies and that the proposed dedication of land for public trails represents a substantial benefit to the City and therefore approve the GPA as requested by the applicant. The Planning Commission would then resume its consideration of the proposed Zoning Amendment and USA Expansion in accordance with that decision.

Alternative #2 - Denial

If the City Council determines that it would be inappropriate for the City to grow at this

location it could decide to deny the subject GPA request. In such a case, the City Council should also recommend that as part of the Morgan Hill 2035 General Plan update the Urban Growth Boundary be redrawn to exclude the property. The likely outcome of this action is that the property would be developed with a smaller number of units (e.g., 5-6 units on the area proposed for annexation plus a similar number proposed to remain within the County) under the County's land use authority.

FISCAL AND RESOURCE IMPACT:

No economic or fiscal study was conducted for the project. It is expected that there would be some impact to the City's General Fund to service the new residents to provide services to the new residents, which would be partially offset by new tax revenue.

CEQA (California Environmental Quality Act):

An environmental assessment was completed for the proposed project in accordance with the California Environmental Quality Act (CEQA) and based on that assessment; staff determined that a Mitigated Negative Declaration (MND) was warranted because all potential significant impacts on the environment for the project could be mitigated to less than significant levels.

The MND was circulated between August 19, 2014 and September 8, 2014. Comments received on the MND were answered, along with technical changes in the final version of the MND and Mitigation Monitoring and Reporting Program (MMRP) for the project completed in October 2014.

Mitigation measures to be implemented by the project addresses potential cultural resources, noise, biological, transportation and air quality (construction and operational) impacts. These are included in the project's MMRP.

LINKS/ATTACHMENTS:

1. Resolution for adoption of MND & MMRP
2. Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program
3. Resolution for GPA 11-04 (Planning Commission Recommendation)
4. Resolution for GPA 11-04 (Applicant's Request)
5. Conceptual Site Plan and Section (January 2015)
6. Public Benefits Package (November 2014)
7. [Planning Commission Staff Report Packet \(January 13, 2015\) \(Link\)](#)
8. [Planning Commission Staff Report Packet \(November 18, 2014\) \(Link\)](#)
9. [Planning Commission Meeting Minutes \(November 18, 2014\) \(Link\)](#)
10. [Planning Commission Staff Report Packet \(October 14, 2014\) \(Link\)](#)
11. [Planning Commission Meeting Minutes \(October 14, 2014\) \(Link\)](#)
12. [Planning Commission Staff Report Packet \(September 9, 2014\) \(Link\)](#)
13. [Planning Commission Meeting Minutes \(September 9, 2014\) \(Link\)](#)

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF MORGAN HILL ADOPTING GPA-11-04:
EDMUNDSON-OAK MEADOW PROJECT MITIGATED
NEGATIVE DECLARATION, FOR WHICH AN INITIAL
STUDY WAS PREPARED, IN ACCORDANCE WITH THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS
AMENDED, AND ADOPTING A RELATED MITIGATION
MONITORING AND REPORTING PROGRAM**

WHEREAS, prior to the adoption of this Resolution, the Community Development Director of the City of Morgan Hill prepared an Initial Study and approved for circulation a Mitigated Negative Declaration for the "Edmundson-Oak Meadow" Project (the "Initial Study/Mitigated Negative Declaration"), all in accordance with the requirements of the California Environmental Quality Act of 1970, together with state and local guidelines implementing said Act, all as amended to date (collectively "CEQA"); and

WHEREAS, the "Edmundson-Oak Meadow (the "Project") analyzed under the Initial Study/Mitigated Negative Declaration consists of request to amend the General Plan Land Use Designation from Rural County/Open Space to Open Space for the subject site and amendment to the Community Development Element Action Statement 7.5. Included in the analysis is a proposal for an expansion to the City's Urban Service Area, a Pre-Zoning and Annexation application; and

WHEREAS, the Initial Study/Mitigated Negative Declaration concluded that implementation of the Project could result in a number of significant effects on the environment, including potential Air Quality, Biological Resources, Cultural Resources, Noise, and Transportation impacts, and identified mitigation measures that would reduce each of those significant effects to a less-than-significant level; and

WHEREAS, in connection with the approval of a project involving the preparation of an initial study/mitigated negative declaration that identifies one or more significant environmental effects, CEQA requires the decision-making body of the lead agency to incorporate feasible mitigation measures that would reduce those significant environmental effects to a less-than-significant level; and

WHEREAS, whenever a lead agency approves a project requiring the implementation of measures to mitigate or avoid significant effects on the environment, CEQA also requires a lead agency to adopt a mitigation monitoring and reporting program to ensure compliance with the mitigation measures during project implementation, and such a mitigation monitoring and reporting program has been prepared for the Project for consideration by the decision-maker of the City of Morgan Hill as lead agency for the Project (the "Mitigation Monitoring and Reporting Program"); and

WHEREAS, the City of Morgan Hill is the lead agency on the Project, and the City Council is the decision-making body for the proposed approval to construct and otherwise undertake the Project; and

WHEREAS, the City Council has reviewed and considered the Initial Study/Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program for the Project and intends to take actions on the Project in compliance with CEQA, and state and local guidelines implementing CEQA; and

WHEREAS, the Initial Study/Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the Project are, by this reference, incorporated into this Resolution as if fully set forth herein; and

WHEREAS, the Initial Study/Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program for the Project are on file in the Community Development Department located at 17575 Peak Avenue, Morgan Hill, California, 95037, and are available for inspection by any interested person at that location.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MORGAN HILL AS FOLLOWS:

1. The City Council does hereby make the following findings: (1) it has independently reviewed and analyzed the Initial Study/Mitigated Negative Declaration and other information in the record and has considered the information contained therein, prior to acting upon or approving the Project, (2) the Initial Study/Mitigated Negative Declaration prepared for the Project has been completed in compliance with CEQA and is consistent with state and local guidelines implementing CEQA and (3) the Initial Study/Mitigated Negative Declaration represents the independent judgment and analysis of the City of Morgan Hill, as lead agency for the Project. The City Council designates the Community Development Director at the Director's Office at 17575 Peak Avenue, Morgan Hill, California, 95037, as the custodian of documents and records of proceedings on which this decision is based.

2. The City Council does hereby find that, based upon the entire record of proceedings before it and all information received, there is no substantial evidence that the Project will have a significant effect on the environment and does hereby adopt the Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program prepared for the Project (Planning File GPA-11-04: Edmundson-Oak Meadow). The Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program are: (1) on file in the Community Development Department, Director's Office, located at 17575 Peak Avenue, Morgan Hill, California, 95037 and (2) available for inspection by any interested person.

PASSED AND ADOPTED by the City Council of the City of Morgan Hill at its meeting held on this 4th day of February, 2015 by the following vote:

AYES: **COUNCILMEMBERS:**
NOES: **COUNCILMEMBERS:**

ABSTAIN: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ATTEST:

IRMA TORREZ

City Clerk

CERTIFICATION

I, Irma Torrez, City Clerk of the City of Morgan Hill, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. _____, adopted by the City Council at the meeting held on February 4, 2015.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: _____

Irma Torrez, CITY CLERK



Oak Meadow Plaza Urban Service Area Expansion, General Plan Amendments, Rezoning, and Annexation

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

Prepared for



Prepared by



A Baker Company

**PUBLIC REVIEW DRAFT
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

**Oak Meadow Plaza Urban
Service Area Expansion,
General Plan Amendments,
Pre-zoning, and Annexation**

**Application File Numbers: USA-05-02, ANX-06-01,
GPA-11-04, and ZA-11-13**

Lead Agency:

CITY OF MORGAN HILL
17575 Peak Avenue
Morgan Hill, California 95037
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408.778.6480

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August 2014

JN 141978

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**INITIAL STUDY/MITIGATED NEGATIVE
DECLARATION AND TECHNICAL APPENDICES
ON CD**

1.0 INTRODUCTION

The Oak Meadow Plaza project (herein referenced as the “project”) site consists of four parcels on approximately 51 acres that are located in unincorporated Santa Clara County (County) immediately adjacent to the western boundary of the City of Morgan Hill (City). The project site is generally located north of West Edmundson Avenue; east of DeWitt Avenue; and west of Sunset Avenue. The project proposes to pre-zone and ultimately annex approximately 51 acres into the City. Expansion of the Urban Services Area (USA) boundary is proposed for approximately 20 of the 51 acres to be consistent with the City’s Urban Growth Boundary (UGB) and to allow the construction of up to 54 single-family dwelling units; the remaining 31 acres would remain undeveloped under an open space easement. The project also involves an amendment to General Plan Action 7.5 of the Community Development Element. Following a preliminary review of the proposed project, the City of Morgan Hill has determined that it is subject to the guidelines and regulations of the California Environmental Quality Act (CEQA). This Initial Study addresses the direct, indirect, and cumulative environmental effects of the project, as proposed.

1.1 STATUTORY AUTHORITY AND REQUIREMENTS

In accordance with Sections 15051 and 15367 of the California Code of Regulations (CCR), the City of Morgan Hill (City) is identified as the Lead Agency for the proposed project. Under CEQA (Public Resources Code Section 21000-21177) and pursuant to Section 15063 of the CCR, the City is required to undertake the preparation of an Initial Study to determine if the proposed project would have a significant environmental impact. If, as a result of the Initial Study, the Lead Agency finds that there is evidence that any aspect of the project may cause a significant environmental effect, the Lead Agency shall further find that an Environmental Impact Report (EIR) is warranted to analyze project-related and cumulative environmental impacts. Alternatively, if the Lead Agency finds that there is no evidence that the project, either as proposed or as modified to include the mitigation measures identified in the Initial Study, may cause a significant effect on the environment, the Lead Agency shall find that the proposed project would not have a significant effect on the environment and shall prepare a Negative Declaration. Such determination can be made only if “there is no substantial evidence in light of the whole record before the Lead Agency” that such impacts may occur (Section 21080(c), Public Resources Code).

The environmental documentation, which is ultimately selected by the City in accordance with CEQA, is intended as an informational document undertaken to provide an environmental basis for subsequent discretionary actions upon the project. The resulting documentation is not, however, a policy document and its approval and/or certification neither presupposes nor mandates any actions on the part of those agencies from whom permits and other discretionary approvals would be required.

The environmental documentation and supporting analysis is subject to a public review period. During this review, public agency comments on the document relative to environmental issues should be addressed to the City of Morgan Hill. Following review of any comments received, the City will consider these comments as a part of the project’s environmental review and include them with the Initial Study documentation for consideration by the City.

1.2 PURPOSE

Section 15063 of the *CEQA Guidelines* identifies specific disclosure requirements for inclusion in an Initial Study. Pursuant to those requirements, an Initial Study shall include:

- A description of the project, including the location of the project;
- Identification of the environmental setting;
- Identification of environmental effects by use of a checklist, matrix, or other method, provided that entries on a checklist or other form are briefly explained to indicate that there is some evidence to support the entries;
- Discussion of ways to mitigate significant effects identified, if any;

- Examination of whether the project is compatible with existing zoning, plans, and other applicable land use controls; and
- The name(s) of the person(s) who prepared or participated in the preparation of the Initial Study.

1.3 CONSULTATION

As soon as the Lead Agency (in this case, the City of Morgan Hill) has determined that an Initial Study would be required for the project, the Lead Agency is directed to consult informally with all Responsible Agencies and Trustee Agencies that are responsible for resources affected by the project, in order to obtain the recommendations of those agencies as to whether an EIR or Negative Declaration should be prepared for the project. Following receipt of any written comments from those agencies, the Lead Agency considers any recommendations of those agencies in the formulation of the preliminary findings. Following completion of this Initial Study, the Lead Agency initiates formal consultation with these and other governmental agencies as required under CEQA and its implementing guidelines.

1.4 INCORPORATION BY REFERENCE

The following documents were utilized during preparation of this Initial Study, and are incorporated into this document by reference. These documents are available for review at the City of Morgan Hill located at 117575 Peak Avenue Morgan Hill, California 95037.

- Morgan Hill General Plan (2001--Last Amended February 2010). The *Morgan Hill General Plan* (General Plan) provides guidance to City decision-makers on allocating resources and determining the future physical form and character of development. It is the City's official statement about the extent and types of development needed to achieve the community's physical, economic, and environmental goals. The General Plan includes the following elements: Community Development, Economic Development, Circulation, Open Space and Conservation, Public Health and Safety, Regional Coordination, and Housing. The General Plan also includes the 2007-2014 Housing Element, adopted September 2010.
- City of Morgan Hill Municipal Code (current through Ordinance No. 2105, enacted April 16, 2014). The *Morgan Hill Municipal Code* (Municipal Code) provides regulations for governmental operations, development, infrastructure, public safety, and business operations within the City. The Zoning Ordinance (Title 18 of the Municipal Code) is intended to guide the City's growth in an orderly manner based on the adopted General Plan and to protect the public health and general welfare by regulating the use of land and buildings, space between buildings, height and bulk of buildings, and by requiring the provision of off-street parking facilities, landscaping, and other necessary site improvements.

2.0 PROJECT DESCRIPTION

2.1 PROJECT LOCATION

The project site is located in the City of Morgan Hill Sphere of Influence (SOI), within the County of Santa Clara; refer to Exhibit 2-1, *Regional Vicinity*. The project site is located immediately adjacent to the western boundary of the City of Morgan Hill. The project site is generally located north of West Edmundson Avenue; east of DeWitt Avenue; and west of Sunset Avenue. The project site is approximately 51 acres and primarily undeveloped with the exception of one single-family residence; refer to Exhibit 2-2, *Project Vicinity*.

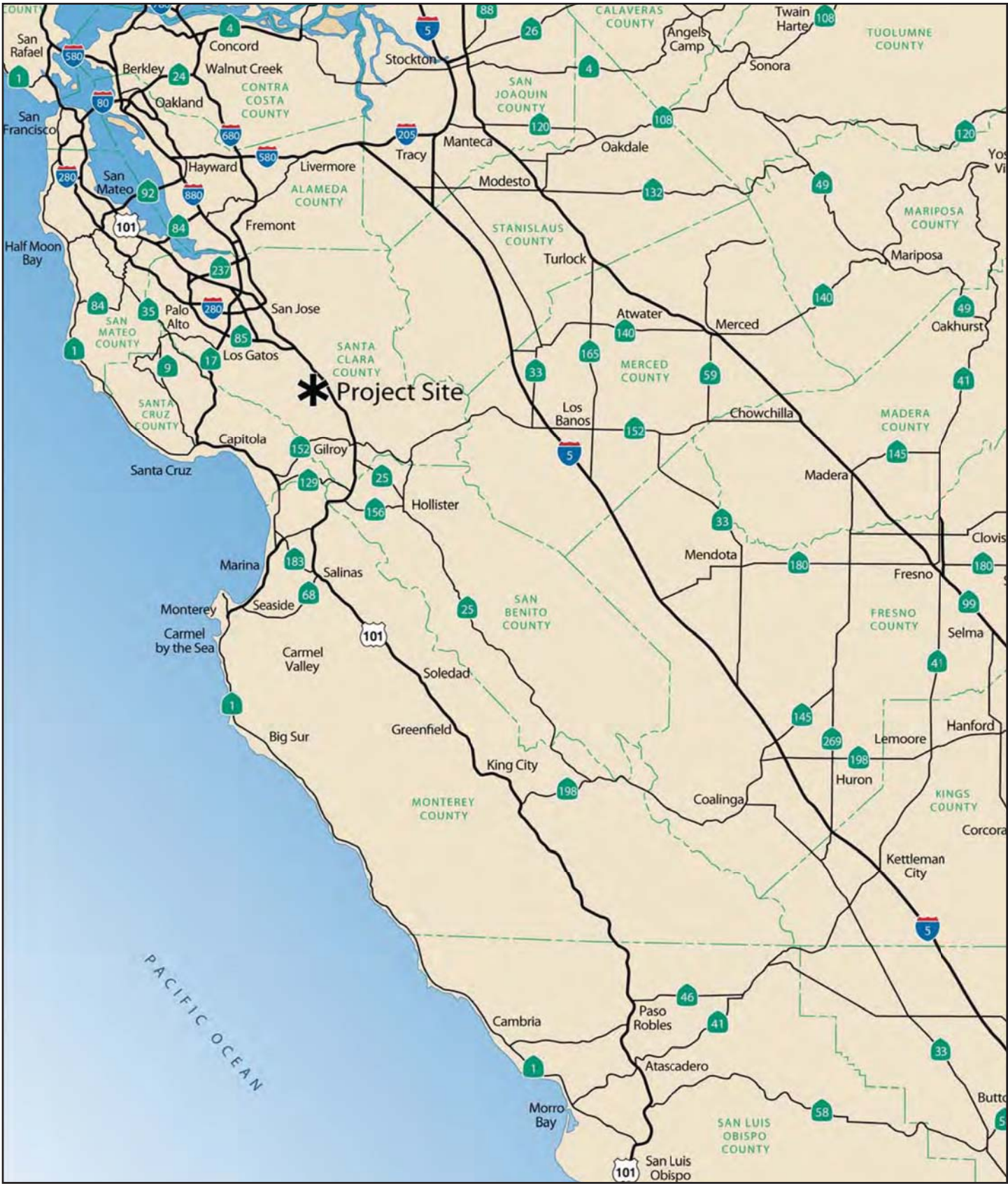
2.2 ENVIRONMENTAL SETTING

2.2.1 EXISTING LAND USES

Three distinct areas comprise the approximately 51 acre project site. For analysis purposes, these areas are identified as Lot A (referred to as northwest of the Sunset Property); Lot B (Sunset Property); and Lot C (Edmundson Property); refer to Exhibit 2-3, *Proposed Lot Configuration*. In general, the project site consists of rolling annual grasslands with tree covered hillsides that are flanked by relatively level terrain. Uses on the project site primarily consist of limited livestock grazing. Physical improvements within the project site include a rural residential home on Lot C with ancillary outbuildings (e.g., barn, etc.) located in the southern portion of the project site adjacent to West Edmundson Avenue. Exhibit 2-4, *Photographs of the Project Site*, presents photographs of the existing setting of the project site and surrounding area. Approximately 20 acres of the project site (Lot B, Sunset Property) located west of Sunset Avenue are within the City's Urban Limit Line (ULL) and Urban Growth Boundary (UGB).

Each area within the project site is described in greater detail below.

- *Lot A (Northwest of the Sunset Property)*. Lot A is an approximately 14.38-acre area that directly abuts the Sunset Property to the northwest. It is comprised of portions of Assessor Parcel Numbers 767-15-026 and 767-19-028. It consists of grass covered hillsides with greater than 10 percent slopes that are used for livestock grazing. The *City of Morgan Hill General Plan* designates Lot A as Rural County and Open Space with a Hillside overlay. The *Santa Clara County Plan* designates Lot A as Hillside.
- *Lot B (Sunset Property)*. Lot B consists of approximately 20.45 acres of which 19.99 acres are developable, located immediately west of Sunset Avenue and existing single-family residential neighborhoods within the City of Morgan Hill. This portion of the project site is comprised of relatively flat grassland with slopes of 12 percent or less. It is comprised of portions of Assessor Parcel Numbers: 767-15-026, 767-19-020, 767-19-024, and 767-19-028. It is currently being used for livestock grazing and contains limited improvements (e.g., fencing, troughs, etc.). There is a seasonal drainage located along the eastern edge of Area 1 that abuts Sunset Avenue. Lot B is located within the City's ULL and UGB and is designated Single Family Low (1 to 3 du/ac) by the *City of Morgan Hill General Plan* and Hillside by the *Santa Clara County General Plan*.
- *Lot C (Edmundson Property)*. Lot C is comprised of approximately 16.39 acres located immediately north of West Edmundson Avenue. This area is comprised of portions of Assessor Parcel Numbers 767-19-020 and 767-19-024. This portion of the project site is characterized by relatively flat grassland adjacent to West Edmundson Avenue that gradually slopes up (greater than 12 percent) from West Edmundson Avenue to the north and contains a large stand of trees along a ridgeline. The rural residential home and ancillary outbuildings on Lot C is located on Assessor Parcel Number 767-19-020. Lot C is designated Rural County with a Hillside overlay by the *City of Morgan Hill General Plan* and Hillside by the *Santa Clara County General Plan*.



NOT TO SCALE



08/14 • JN 141978

OAK MEADOW PLAZA
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

Regional Location

Exhibit 2-1



Source: Google Earth, 2014.

NOT TO SCALE

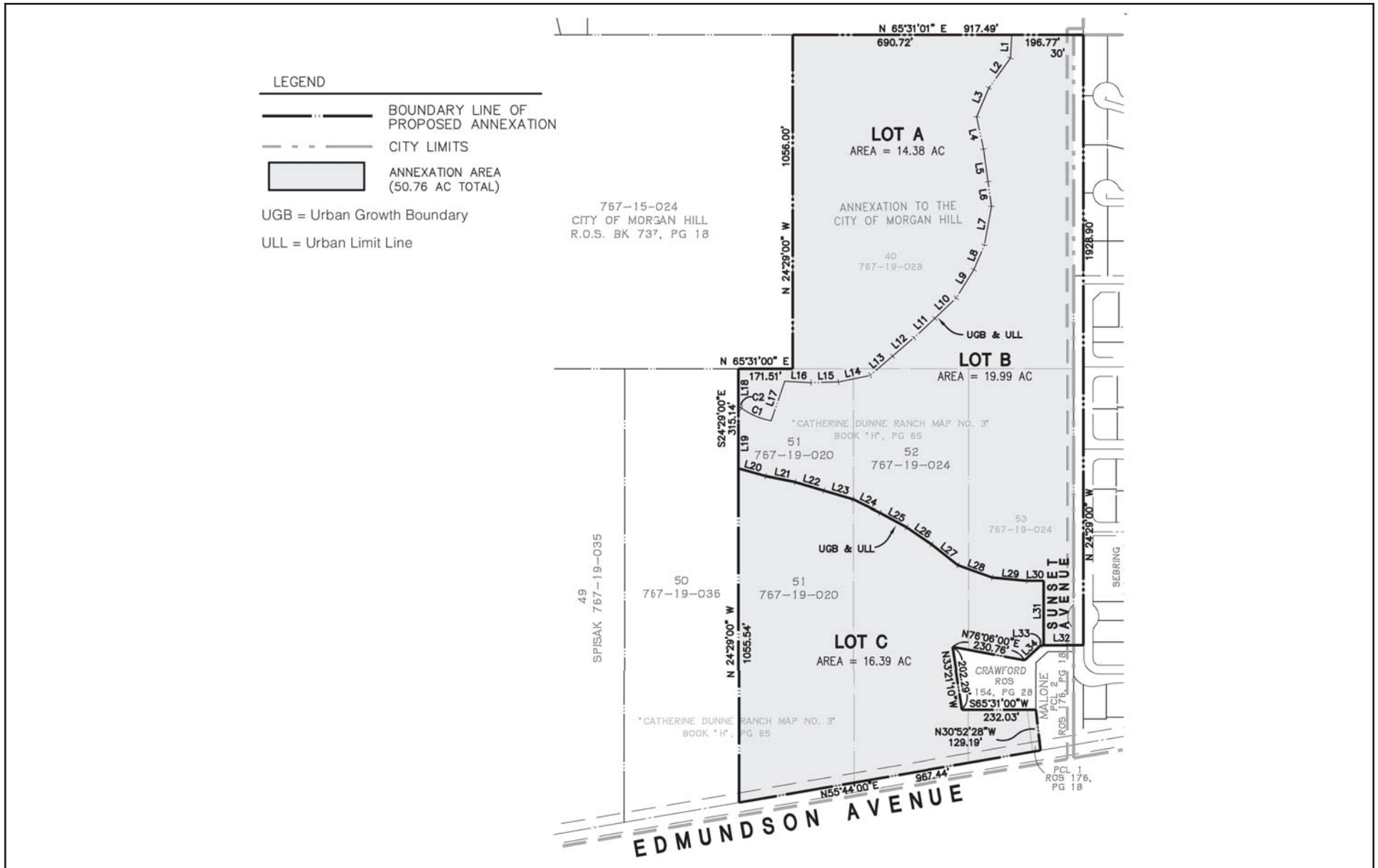


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OAK MEADOW PLAZA
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

Project Vicinity

Exhibit 2-2



Source: MH Engineering Company; July 8, 2014.

NOT TO SCALE



08/14 • JN 141978

OAK MEADOW PLAZA
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

Proposed Lot Configuration

Exhibit 2-3

View of the Sunset Property looking northwest from Sunset Avenue.



View of the southern boundary of the Sunset Property looking west from Sunset Avenue.



View from Assessors Parcel Number 767-15-024 looking towards the Sunset Property to the east.



View of existing adjacent single family residential home with associated outbuildings from Edmundson Avenue looking northeast.



2.2.2 SURROUNDING LAND USES

The project site (Lots A, B, and C) is bordered by Sunset Avenue to the east; open space to the northwest; the City's Edmundson Water Tank facility and rural residential development to the west; and West Edmundson Avenue to the south.

The project site is adjacent to a developed area of the City and is surrounded by the following uses:

- North: Residential, open space, limited agriculture (i.e., livestock grazing), uses in unincorporated Santa Clara County located to the north.
- South: West Edmundson Avenue and open space, limited agriculture (i.e., livestock grazing), and rural residential uses in unincorporated Santa Clara County located to the south.
- East: Residential uses are located to the east of the project site, in the City of Morgan Hill.
- West: The City's Edmundson Water Tank facility, open space, limited agriculture (i.e., livestock grazing), and rural residential uses in unincorporated Santa Clara County located to the west.

2.3 EXISTING GENERAL PLAN AND ZONING

The project site is located in the City of Morgan Hill SOI. The *City of Morgan Hill General Plan* designates approximately 20 acres (Lot B) of the project site as Single-Family Low (1 to 3 dwelling units/acre) with a portion of Lot B also designated Hillside Overlay and the remainder of the project site as Rural County and Open Space with a Hillside Overlay on the Land Use Diagram and "Non Urban Greenbelt" on Map 6, Greenbelt Diagram; refer to Exhibit 2-5, Existing Land Use Designations. The *County of Santa Clara General Plan* designates the project site as Hillside.

According to the *County of Santa Clara Zoning Map*, Assessor Parcel Numbers 767-15-026, 767-19-020, 767-19-024, and 767-19-028 are zoned Hillside-Design Review, Tier 1 Combining District (HS-d1). Exhibit 2-6, Existing Zoning, depicts the current zoning for the project site.

2.4 PROJECT BACKGROUND

2006 MEMORANDUM OF UNDERSTANDING

In February 2006, the City of Morgan Hill, the project applicant, and adjacent landowners within the unincorporated County entered into a non-binding Memorandum of Understanding (MOU) that established the expectations for a 118-acre area. The landowners included owners of the Sunset property, the Edmundson property, and the DeWitt property. It should be noted that the DeWitt property consists of Assessor Parcel Numbers 767-15-24, 767-15-25, 767-15-27, and 767-15-28, located west of the project site. The property is not part of the currently proposed project. The expectations within the MOU include but are not limited to:

- Amend the Urban Growth Boundary and locate the Urban Limit Line to include 20 acres of the Sunset Property (Lot B).
- The City would apply to the County of Santa Clara Local Agency Formation Commission (LAFCO) for annexation of the 20 acre portion (Lot B) in the Urban Service Area.
- Development of the 20-acre portion (Lot B) of the Sunset property with single-family dwelling units.
- The other 14 acres of the Sunset property (Lot A) would remain undeveloped and have a permanent open space easement.

Legend

Lot A Sunset Property
 Lot B Area Northwest of the Sunset Property
 Lot C Edmundson Property

--- Existing Property Line
 #-#-# (with Assessors Parcel Number)

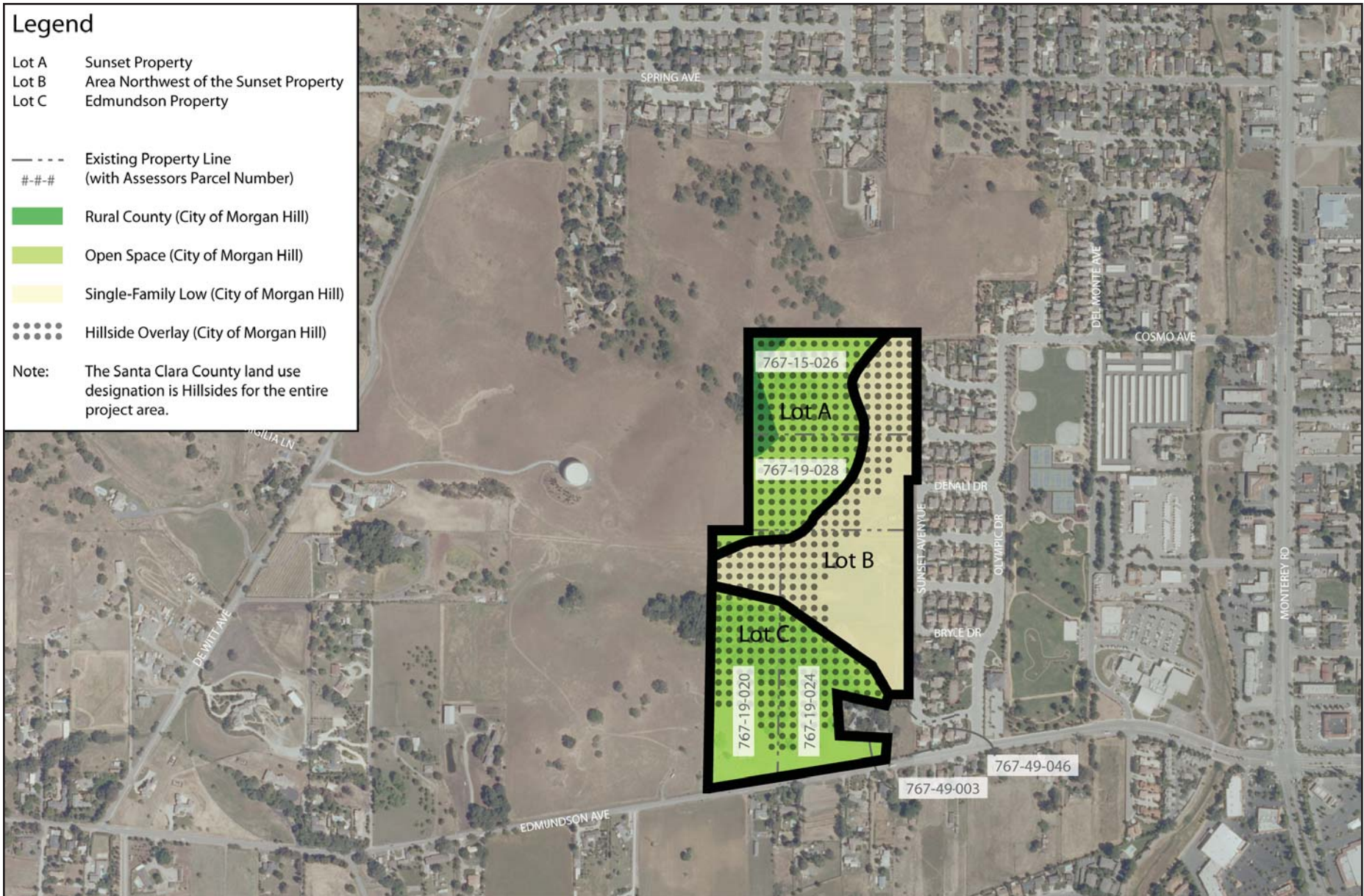
Rural County (City of Morgan Hill)

Open Space (City of Morgan Hill)

Single-Family Low (City of Morgan Hill)

Hillside Overlay (City of Morgan Hill)

Note: The Santa Clara County land use designation is Hillsides for the entire project area.



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Existing Land Use Designations

Exhibit 2-5



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INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

Existing Zoning

Exhibit 2-6

- One home on each of the four lots in the Edmundson property would be allowed and a permanent open space would be recorded on over approximately 80 percent of each of the parcels.
- The City would convey a roughly five acre site to the DeWitt owner in exchange for an equal acreage on a different lot.
- Construction of a home on the DeWitt property would be allowed, provided that it is not visible from DeWitt Avenue.
- A permanent open space easement would be recorded, encumbering the modified DeWitt property except for the approximate 2.5 acre building envelope.

The MOU also addresses the processing of a series of applications relating to the potential development of the 118-acre site.

2006 INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

In April 2006, the City Council adopted an Initial Study/Mitigated Negative Declaration (IS/MND) for the *City of Morgan Hill Urban Limit Line and Greenbelt Study General Plan Amendment and Related Actions*. The environmental document analyzed the proposed Urban Limit Line and greenbelt for Morgan Hill and also provided a programmatic level environmental review for three residential projects, which included Oak Meadow Plaza.

In 2006, the planning entitlements requested for the proposed project included the following:

- 1) Inclusion in the Urban Limit Line;
- 2) Inclusion in the Urban Growth Boundary;
- 3) Inclusion in the Urban Service Area;
- 4) Annexation;
- 5) General Plan Amendment; and
- 6) Pre-zoning.

The City Council approved the adjustments to the Urban Limit Line and Urban Growth Boundary and established a General Plan land use designation of Single-Family Low for the 20-acre development site, allowing up to 60 single-family dwelling units. However, inclusion in the Urban Service Area, pre-zoning, and annexation were not part of the Council Approval. The remaining requests were tabled due to access and traffic concerns expressed by residents of the adjacent neighborhoods to the east.

Subsequently, the project applicants have modified their development plan to reduce the number of units to 54, met with the neighbors, reinitiated the 2006 applications, and filed new applications for a General Plan Amendment and pre-zone.

2012 INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

In 2012, an IS/MND was prepared for the Oak Meadow Plaza Urban Service Area Expansion, General Plan Amendments, Pre-zoning, and Annexation project, which involved 11 parcels on approximately 118 acres, including the 51-acre project site. The IS/MND generally considered the same entitlements and development that is currently being proposed for the 51-acre project site, with the exception of access to the portion of the site proposed for residential development. The 2012 IS/MND considered three alternative access routes through unincorporated County land, including two alternative access routes from West Edmundson Avenue and one from DeWitt Avenue. The IS/MND was circulated for public review; however, this document was never adopted.

2.5 PROJECT CHARACTERISTICS

The proposed project would amend the City's Urban Service Area (USA) to include the 20 acres of Lot B, so that the City's USA would be consistent with the City's other planning boundaries. Currently, the approximate 20-acre portion of the project site (Lot B) is located in the UGB and ULL. In addition, the proposed project would pre-zone this 20-acre portion of the project site (Lot B) to R1 (12,000) with a Planned Development (PD) overlay and annex it to the City to allow the future development of 54 single-family dwelling units, as well as amend General Plan Action 7.5 of the Community Development Element, as described further below.

The 14 acres (Lot A) to the northwest of Lot B and a 16-acre portion of the Edmundson Property (Lot C) is proposed to be pre-zoned and designated Open Space on the Land Use Diagram of the *City of Morgan Hill General Plan* and ultimately annexed to the City. An open space easement would be recorded over the 14-acre area (Lot A). An open space easement would be recorded over 14-acres of the 16-acre area (Lot C); with a buildable area for a future single-family dwelling units set aside on the portion of the property with less than 10 percent slope, consistent with the MOU. Table 2-1, *Project Land Use and Zoning Modifications*, depicts the proposed land use and zoning changes to the project site. Exhibit 2-7, *Proposed Land Use Designations*, depicts the proposed land use designations for each lot and Exhibit 2-8, *Proposed Zoning*, depicts the proposed zoning for each lot.

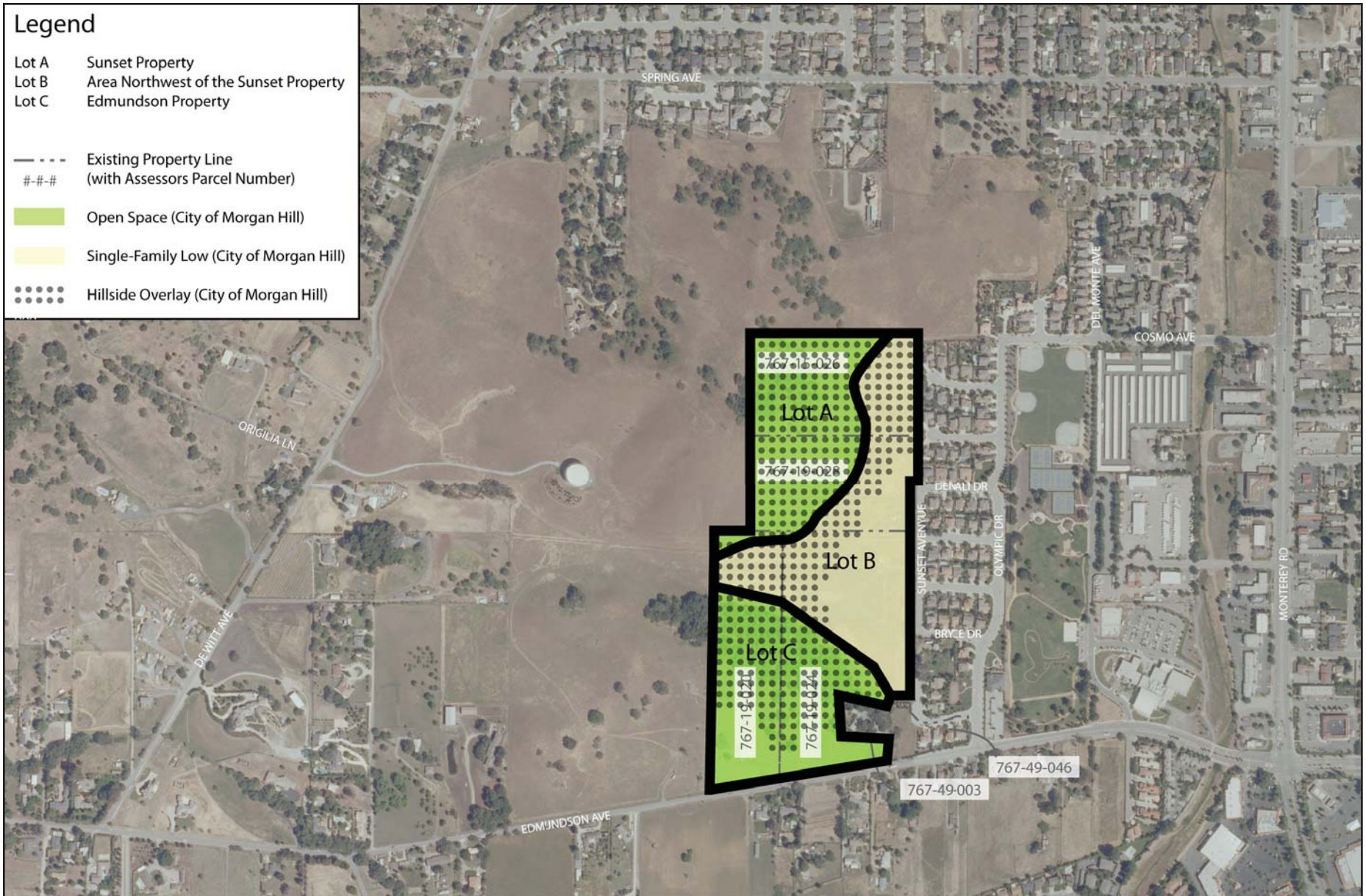
**Table 2-1
Project Land Use and Zoning Modifications**

Lot ¹	Parcel Data		Existing Development	General Plan ³		Zoning	
	APN	Acres ²		Existing	Proposed	Existing ⁴	Proposed Pre-Zone ⁵
A	767-15-026	11.10	Vacant	Rural County/ Open Space with Hillside Overlay	Open Space with Hillside Overlay	Hillside-Design Review, Tier 1 Combining District (HS-d1)	Open Space
B				Single-Family Low with Hillside Overlay	Single-Family Low with Hillside Overlay		R1 (12,000) PD
A	767-19-028	13.10	Vacant	Rural County/ Open Space with Hillside Overlay	Open Space with Hillside Overlay	Hillside-Design Review, Tier 1 Combining District (HS-d1)	Open Space
B				Single-Family Low with Hillside Overlay	Single-Family Low with Hillside Overlay		R1 (12,000) PD
B	767-19-020	11.35	Vacant	Single-Family Low with Hillside Overlay	Single-Family Low with Hillside Overlay	Hillside-Design Review, Tier 1 Combining District (HS-d1)	R1 (12,000) PD
C			Ranch home and accessory buildings	Rural County with Hillside Overlay	Open Space with Hillside Overlay		Open Space
B	767-19-024	18.29	Vacant	Single-Family Low with Hillside Overlay	Single-Family Low with Hillside Overlay	Hillside-Design Review, Tier 1 Combining District (HS-d1)	R1 (12,000) PD
C				Rural County with Hillside Overlay	Open Space with Hillside Overlay		Open Space

APN = Assessor's Parcel Number

Notes:

- Proposed lots include portions of each parcel.
- Acreages are parcel areas and not lot sizes.
- City of Morgan Hill General Plan land use designations.
- County of Santa Clara zoning districts.
- City of Morgan Hill zoning districts.



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The project applicant has committed to record open space easements over portions of the project with slopes in excess of 10 percent. These commitments would be formalized in a project Development Agreement. The details of the Development Agreement require an amendment to General Plan Action 7.5 of the Community Development Element of the General Plan. General Plan Action 7.5 would be amended, as follows:

Action 7.5. Enter into an agreement with the owners of the 118 acres of land in the area generally bound by Sunset, West Edmundson, and DeWitt, which would provide for the following:

- a) Recordation of an open space easement generally over the property which fronts on West Edmundson Avenue and is in excess of 10 percent slope.
- b) Recordation of an open space easement generally over the property which fronts DeWitt Avenue and is in excess of 10 percent slope.
- c) Recordation of open space easements over the 14-acre property easterly of the City reservoir and the 16-acre area south of the reservoir.
- d) Recordation of open space easements which are approximately 80 acres of the property (primarily located outside the City) prohibiting any further development of that area.

The proposed project would include a lot line adjustment or parcel map to reconfigure the existing lots; refer to Lots A through C in [Table 2-2, Project Characteristics](#). An amended lot line adjustment application is currently under review at the County which is subject to modification through the review process. [Exhibit 2-3](#) depicts the configuration of the proposed lots (Lots A through C).

**Table 2-2
Project Characteristics**

Lot	Acres	APN ¹	Notes
Lot A Northwest of the Sunset Property	14.38	767-15-026	<ul style="list-style-type: none">• Annex into City• Pre-Zone as Open Space• Open Space Easement• No development proposed
		767-19-028	
Lot B Sunset Property	19.99	767-15-026	<ul style="list-style-type: none">• Annex into City• Include into the City's Urban Service Area• Pre-zone as R1(12,000)/PD, Planned Development• Proposed development of 54 single-family dwelling units
		767-19-020	
		767-19-024	
		767-19-028	
Lot C Edmundson Property	16.39	767-19-020	<ul style="list-style-type: none">• Annex into City• Pre-Zone as Open Space• Open Space Easement• 2.0-acre building envelop for future development (single-family dwelling)
		767-19-024	
		767-19-034	
		767-19-035	
		767-19-036	
APN = Assessor's Parcel Number			
Notes:			
1. In some instances parcels may be located in multiple lots.			

As summarized in [Table 2-2](#), Lot A (14 acres) and Lot C (16 acres) are proposed to be pre-zoned and designated as Open Space and ultimately annexed into the City. An open space easement would be recorded over Lots A and C; no development is proposed on Lot A, while approximately two acres would be set aside for a dwelling unit on Lot C, consistent with the MOU. Lot B would establish the 20-acre area proposed to be annexed and accommodate the future development of 54 single-family dwelling units; refer to [Exhibit 2-9, Conceptual Site Plan](#).



Source: Google Maps, 2014.

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Conceptual Site Plan

Exhibit 2-9

Future development of the 54 single-family dwelling units would be evaluated by the City after the proposed General Plan Amendment, Zoning Amendment, Amendment to the Urban Service Area, and Annexation are completed. It is anticipated that future development of the 54 single-family dwelling units would consist of one- and two-stories ranging in size from 3,000 to 5,000 square feet. Thirteen of the lots are currently identified for custom dwelling units and 17 lots are identified to also include secondary dwelling units.

Access to the proposed development would be from Denali Drive and Bryce Drive and may involve abandonment of portions of Sunset Avenue. Denali Drive and Bryce Way would be extended from their current locations into the project site; refer to [Exhibit 2-9](#). An additional north/south interior roadway (Street 'A') would also be established, connecting Denali Drive and Bryce Drive within the eastern portion of the project site. Denali and Bryce Drive would have a 52-foot right-of-way and Street 'A' would have a 48-foot right-of-way.

Water and wastewater lines would be extended from the east into the project site. An existing water line within the project site would be relocated under the paved roadway.

2.6 PERMITS AND APPROVALS

The proposed project involves the following entitlements:

- Expand the Morgan Hill USA boundary to include the approximate 20-acre area shown as Lot B on [Exhibit 2-3](#);
- Pre-zone the 20-acres (Lot B) added to the USA as R1(12,000)/PD, Planned Development to allow for the development of approximately 54 residential units;
- Annex the 20-acres (Lot B) added to the USA into the City of Morgan Hill;
- Amend the General Plan Land Use Diagram to change the land use designation of the 14-acre area shown as Lot A on [Exhibit 2-7](#) from Rural County and Open Space with a Hillside overlay to Open Space with a Hillside overlay;
- Pre-zone the 14-acre (Lot A) area as Open Space;
- Annex the 14-acre (Lot A) area into the City of Morgan Hill;
- Amend the General Plan Land Use Diagram to change the land use designation of the 16-acre area shown as Lot C on [Exhibit 2-7](#) from Rural County with a Hillside overlay to Open Space with a Hillside overlay;
- Pre-zone the 16-acre (Lot C) area as Open Space;
- Annex the 16-acre (Lot C) into the City of Morgan Hill; and
- Amend General Plan Action 7.5 of the Community Development Element.

Future Anticipated Entitlements:

- Approval of a development agreement between the City of Morgan Hill and the project area land owners for the entire 51-acre project area that would establish open space easements in areas that are in excess of 10 percent slope and generally front West Edmundson Avenues, as well as the 14-acre (Lot A) and 16-acre (Lot C) areas to be pre-zoned and designated Open Space.
- Annexation to the City of Morgan Hill: A request must be submitted to the Santa Clara County LAFCO for annexation of the project site into the City of Morgan Hill, as well as annexation into the USA for municipal services;
- Receipt of Residential Development Control System (RDSCS) building allotments;
- Tentative Map Approval;
- Architectural and Site Review; and
- Any other approvals deemed necessary during the entitlement process.



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3.0 INITIAL STUDY CHECKLIST

3.1 BACKGROUND

1.	Project Title: Oak Meadow Plaza
2.	Lead Agency Name and Address: City of Morgan Hill 17575 Peak Avenue Morgan Hill, CA 95037
3.	Contact Person and Phone Number: Andrew Crabtree, Community Development Director Phone number: 408-778-6480 Email: andrew.crabtree@morganhill.ca.gov
4.	Project Location: The project site consists of four parcels on approximately 51 acres that are located in unincorporated Santa Clara County (County) immediately adjacent to the western boundary of the City of Morgan Hill (City). The project site is generally located north of West Edmundson Avenue; east of DeWitt Avenue; and west of Sunset Avenue.
5.	Project Sponsor's Name and Address: Oak Meadow Plaza, LLC and Bethany S. Liou 7738 Oak Meadow Court Cupertino, CA 95014
6.	General Plan Designation: The project site is located in the City of Morgan Hill Sphere of Influence. The <i>City of Morgan Hill General Plan</i> designates approximately 20 acres of the project site as Single-Family Low (1 to 3 dwelling units/acre) and the remainder of the project site as Rural County and Open Space with a Hillside Overlay on the Land Use Diagram. The <i>County of Santa Clara General Plan</i> designates the project site as Hillside.
7.	Zoning: According to the <i>County of Santa Clara Zoning Map</i> , Assessor Parcel Numbers 767-15-026, 767-19-020, 767-19-024, and 767-19-028 are designated Hillside-Design Review, Tier 1 Combining District (HS-d1).
8.	Description of the Project: The project site consists of four parcels on approximately 51 acres that are located in unincorporated Santa Clara County (County) immediately adjacent to the western boundary of the City of Morgan Hill (City). The project site is generally located north of West Edmundson Avenue; east of DeWitt Avenue; and west of Sunset Avenue. The project proposes to pre-zone and ultimately annex approximately 51 acres into the City. Expansion of the Urban Services Area (USA) boundary is proposed for approximately 20 of the 51 acres to be consistent with the City's Urban Growth Boundary (UGB) and to allow the construction of up to 54 single-family homes; the remaining approximately 31 acres will remain undeveloped under an open space easement. The project also involves an amendment to General Plan Action 7.5 of the Community Development Element. Additional details regarding the project are provided in <u>Section 2.5, Project Characteristics</u> .

9.	<p>Surrounding Land Uses and Setting: The project site is adjacent to a developed area of the City, surrounded by the following uses:</p> <ul style="list-style-type: none"> • <u>North:</u> Residential, open space, limited agriculture (i.e. livestock grazing), uses in unincorporated Santa Clara County located to the north. • <u>South:</u> West Edmundson Avenue and open space, limited agriculture (i.e. livestock grazing), and rural residential uses in unincorporated Santa Clara County located to the south. • <u>East:</u> Residential uses are located to the east of the project site, in the City of Morgan Hill. • <u>West:</u> The City's Edmundson Water Tank facility, open space, limited agriculture (i.e. livestock grazing), and rural residential uses in unincorporated Santa Clara County located to the west.
10.	<p>Other public agencies whose approval is required (e.g., permits, financing approval or participation agreement).</p> <p>Refer to <u>Section 2.6, Permits and Approvals</u>.</p>

3.2 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" or "Less Than Significant Impact with Mitigation Incorporated," as indicated by the checklist on the following pages.

	Aesthetics		Land Use and Planning
	Agriculture and Forestry Resources		Mineral Resources
✓	Air Quality	✓	Noise
✓	Biological Resources		Population and Housing
✓	Cultural Resources		Public Services
	Geology and Soils		Recreation
	Greenhouse Gas Emissions	✓	Transportation/Traffic
	Hazards & Hazardous Materials		Utilities & Service Systems
	Hydrology & Water Quality		Mandatory Findings of Significance

3.3 EVALUATION OF ENVIRONMENTAL IMPACTS

This section analyzes the potential environmental impacts associated with the proposed project. The issue areas evaluated in this Initial Study include:

- Aesthetics
- Agriculture and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation/Traffic
- Utilities and Service Systems

The environmental analysis in this section is patterned after the Initial Study Checklist recommended by the *CEQA Guidelines* and used by the City of Morgan Hill in its environmental review process. For the preliminary environmental assessment undertaken as part of this Initial Study's preparation, a determination that there is a potential for significant effects indicates the need to more fully analyze the development's impacts and to identify mitigation.

For the evaluation of potential impacts, the questions in the Initial Study Checklist are stated and an answer is provided according to the analysis undertaken as part of the Initial Study. The analysis considers the long-term, direct, indirect, and cumulative impacts of the development. To each question, there are four possible responses:

- No Impact. The development will not have any measurable environmental impact on the environment.
- Less Than Significant Impact. The development will have the potential for impacting the environment, although this impact will be below established thresholds that are considered to be significant.
- Less Than Significant Impact With Mitigation Incorporated. The development will have the potential to generate impacts which may be considered as a significant effect on the environment, although mitigation measures or changes to the development's physical or operational characteristics can reduce these impacts to levels that are less than significant.
- Potentially Significant Impact. The development will have impacts which are considered significant, and additional analysis is required to identify mitigation measures that could reduce these impacts to less than significant levels.

Where potential impacts are anticipated to be significant, mitigation measures will be required, so that impacts may be avoided or reduced to a less than significant level.



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4.0 ENVIRONMENTAL ANALYSIS

The following is a discussion of potential project impacts as identified in the Initial Study/Environmental Checklist. Explanations are provided for each item.

4.1 AESTHETICS

<i>Would the project:</i>	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Have a substantial adverse effect on a scenic vista?			✓	
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				✓
c. Substantially degrade the existing visual character or quality of the site and its surroundings?			✓	
d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?			✓	

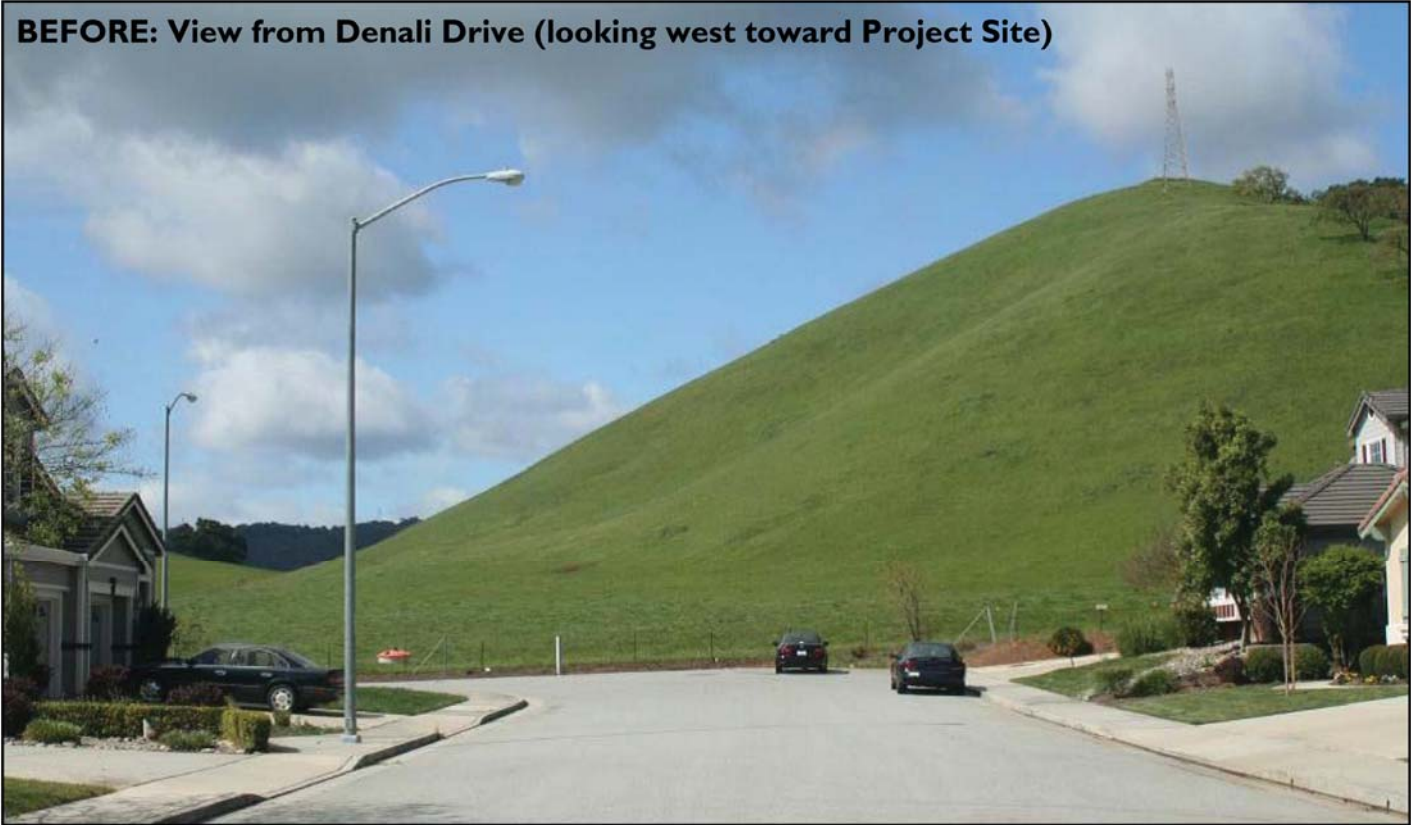
a) *Have a substantial adverse effect on a scenic vista?*

Less Than Significant Impact. The project site is located in a rural area adjacent to the western boundary of the City of Morgan Hill. Surrounding land uses consist of primarily open, rolling grass and tree covered hillsides used mainly for livestock grazing that contains some scattered rural residential development. Suburban residential development in the City abuts the project site to the east. According to the *City of Morgan Hill General Plan*, there are no designated scenic vistas on or near the proposed project site. However, Edmundson Avenue is designated as a scenic roadway by the County of Santa Clara from Oak Glen Avenue to Sunnyside Avenue in the project vicinity.

Future residential development and the proposed access route, from Denali Drive and Bryce Drive, would be located within a relatively flat portion of the project site (less than ten percent slope) adjacent to existing residential development within the City limits. The Memorandum of Understanding (MOU) prepared between the City of Morgan Hill and the project applicant for development of the project site requires that future development within this area not exceed the maximum elevation (as measured from sea level) of the adjacent homes located to the east of the project site. Exhibits 4.1-1, 4.1-2, and 4.1-3, *Visual Simulations*, show conceptual views of future development within the project site from Denali Drive, Scotts Bluff Place, and Whitney Way. As shown in the visual simulations, future construction of 54 single-family dwelling units and associated roadways within this area is not anticipated to substantially block views of adjacent hillsides. In addition, Lot B would not be visible from Edmundson Avenue due to the variable topography to the south. Furthermore, plans for the purpose of constructing 54 single-family dwelling units would be reviewed by the City's Architectural Review Board, which would ensure that site planning and massing is harmonious and blends in with the surrounding landscape. Furthermore, the proposed development would not be located within 100 feet of the right-of-way of the scenic portion of Edmundson Avenue. Thus, the proposed project would not have a substantial adverse effect on a scenic vista.

Mitigation Measures: No mitigation measures are required.

BEFORE: View from Denali Drive (looking west toward Project Site)



AFTER: View from Denali Drive (looking west toward Project Site)



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Visual Simulations

Exhibit 4.1-1

BEFORE: View from Scotts Bluff Place (looking west toward Project Site)



AFTER: View from Scotts Bluff Place (looking west toward Project Site)



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OAK MEADOW PLAZA
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION
Visual Simulations

Exhibit 4.1-2

BEFORE: View from Whitney Way (looking west toward Project Site)



AFTER: View from Whitney Way (looking west toward Project Site)



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INITIAL STUDY/MITIGATED NEGATIVE DECLARATION
Visual Simulations

Exhibit 4.1-3

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

No Impact. Based on the California Scenic Highway Mapping System, the project site is not located near or within an officially designated or eligible state scenic highway.¹ Therefore, it would not have any impacts on trees, rock outcroppings, or historic buildings within an officially designated or eligible state scenic highway.

Mitigation Measures: No mitigation measures are required.

c) Substantially degrade the existing visual character or quality of the site and its surroundings?

Less Than Significant Impact. The project site is characterized by rolling grass and tree covered hillsides that are flanked by relatively level grassland areas. Uses primarily consist of limited livestock grazing, although one rural single family home with associated ancillary structures is located in the southwestern portion of the project site. The project requests a variety of entitlements that would enable the future development of up to 54 single-family dwelling units on a relatively flat 51-acre area. Construction of 54 single-family dwelling units in this area would alter the existing visual character of the project site; however, given that it would be located adjacent to existing residential development within the City limits, it would be considered contextually consistent with surrounding land uses.

The project applicant would record open space easements over portions of the project site with slopes in excess of ten percent. While the residential development that could occur as a result of project implementation would alter the visual character of the project site and the City's greenbelt, the majority of the development would occur adjacent to the City and proposed open space easements would preserve and maintain the existing visual quality of the open spaces over which they are recorded.

Moreover, the potential construction of 54 single-family dwelling units on Lot B would be required to comply with the City of Morgan Hill Zoning Ordinance and General Plan goals and policies, such as Built Environment Policy 12a, which requires that the appearance of residential development is designed to avoid monotony. Compliance with the City's Zoning Ordinance, General Plan, MOU, the adopted Architectural Review Handbook (2008), as well as review by the City's Architectural Review Board would ensure compatibility of these residential uses with the surrounding residential neighborhood and would ensure that future development is harmonious with and blends in with the surrounding landscape. Therefore, the proposed project would have a less than significant impact on the visual character of the project site and its surroundings.

Mitigation Measures: No mitigation measures are required.

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Less Than Significant Impact. Future residential development at the project site would generate new sources of light and glare as a result of building lights and surfaces, vehicles traveling to and from the project site, and street lighting. Light and glare created by the residential development on Lot B would be generally consistent with the levels of light and glare currently emitted by residential development adjacent to the eastern site boundary and would be partially blocked to the north, south, and west by existing hillsides. Moreover, any development on Lot B would be required to comply with the City of Morgan Hill Municipal Code, which requires exterior lighting to be designed so that lighting is not directed onto adjacent properties and the light source is shielded from direct off-site viewing. The amount of light and glare generated on the project site would be similar to the existing residential land uses located to

¹ California Department of Transportation, *California Scenic Highway Mapping System*, http://www.dot.ca.gov/hq/LandArch/scenic_highways/index.htm, accessed July 2, 2014.

immediately to the east. Therefore, light and glare impacts associated with the proposed project would be less than significant.

Mitigation Measures: No mitigation measures are required.

4.2 AGRICULTURE AND FORESTRY RESOURCES

<i>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:</i>				
	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				✓
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?			✓	
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				✓
d. Result in the loss of forest land or conversion of forest land to non-forest use?				✓
e. Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?			✓	

- a) **Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?**

No Impact. The majority of the project site is being utilized as livestock grazing. However, the project site is not classified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), by the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency.¹ In addition, the project site is not designated as agricultural land in either the *City of Morgan Hill General Plan* or the *Santa Clara County General Plan*.^{2,3} Therefore, no impacts would occur as a result of the proposed project.

Mitigation Measures: No mitigation is required.

¹ California Department of Conservation, Division of Land Resource Protection, *Santa Clara County Important Farmland 2010 Map*.

² City of Morgan Hill, *General Plan Land Use Map*, February 8, 2010.

³ Santa Clara County, *Santa Clara County General Plan Land Use Map*, July 2011.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

Less Than Significant Impact. Portions of the project site are currently being utilized for livestock grazing but are not zoned for agricultural uses. The 51-acre project site is not located within a Williamson Act contract area.⁴ The Williamson Act (California Land Conservation Act of 1965, Government Code Section 51200 et. seq.) is a non-mandated State program, administered by counties and cities to preserve agricultural land and discourage the premature conversion of agricultural land to urban uses.

The project site is not zoned for agricultural use and is not designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. The project would not conflict with existing zoning for agricultural use or a Williamson Act contract. Therefore, impacts would be considered a less than significant impact in this regard.

Mitigation Measures: No mitigation is required.

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

No Impact. The proposed project site is not zoned for forest uses or timberland, as defined by the California Public Resources Code, nor is it zoned for Timberland Production, as defined by the California Government Code section 51104(g).⁵ Therefore, no impacts would occur as a result of the proposed project.

Mitigation Measures: No mitigation is required.

d) Result in the loss of forest land or conversion of forest land to non-forest use?

No Impact. Refer to Response 4.2(c), above. The proposed project does not include any changes in the existing environment that could result in the loss of forest land or conversion of forest land to non-forest use. The proposed project would not involve construction on forest land. Therefore, no impacts would occur as a result of the proposed project.

Mitigation Measures: No mitigation is required.

e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

Less Than Significant Impact. The project site is primarily used for limited livestock grazing. Other surrounding land uses primarily consist of low density rural residential development with some more dense residential development adjacent to the eastern project boundary, as well as limited agriculture use (e.g. livestock grazing). The proposed project would not represent a substantial change in the urban/agricultural interface that currently exists in the project vicinity. Furthermore, development of the project site with residential uses would not prohibit surrounding land uses from engaging in limited agricultural activities, similar to existing conditions. Thus, implementation of the proposed project would not facilitate the conversion of Farmland, to non-agricultural use or the conversion of forest land to non-forest use. Less than significant impacts would occur.

Mitigation Measures: No mitigation is required.

⁴ Santa Clara County Department of Planning and Development, *Santa Clara County Online Property Profile*, <http://www.sccplanning.org/gisprofile/>, accessed July 8, 2014

⁵ City of Morgan Hill Municipal Code, April 16, 2014.

4.3 AIR QUALITY

<i>Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:</i>	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Conflict with or obstruct implementation of the applicable air quality plan?			✓	
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?		✓		
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?		✓		
d. Expose sensitive receptors to substantial pollutant concentrations?			✓	
e. Create objectionable odors affecting a substantial number of people?			✓	

a) Conflict with or obstruct implementation of the applicable air quality plan?

Less Than Significant Impact. The proposed project site is located within the San Francisco Bay Area Air Basin (Basin), which is governed by the Bay Area Air Quality Management District (BAAQMD). The BAAQMD is the regional agency responsible for overseeing compliance with State and Federal laws, regulations, and programs regarding air quality. The BAAQMD's most recent air quality plan prepared is the *2010 Clean Air Plan*, which was adopted in 2010. This plan addresses air quality impacts with respect to obtaining ambient air quality standards for non-attainment pollutants (i.e., ozone and particulate matter or PM₁₀ and PM_{2.5}), reducing exposure of sensitive receptors to toxic air contaminants (TACs), and reducing greenhouse gas (GHG) emissions such that the region can meet Assembly Bill (AB) 32 goals of reducing emissions to 1990 levels by 2020.

The primary goals of the *2010 Clean Air Plan* are to attain air quality standards, reduce population exposure and protect public health, and reduce GHG emissions.¹ According to the BAAQMD's *CEQA Air Quality Guidelines*, any project that would support these goals would be considered to be consistent with the *2010 Clean Air Plan*. The *CEQA Air Quality Guidelines* also states that if a project would not result in significant and unavoidable air quality impacts, the project would be considered consistent with the *2010 Clean Air Plan*.² The proposed project would pre-zone a 20-acre portion of the project site (Lot B) to R1 (12,000)/PD, Planned Development and annex it to the City to allow the development of 54 single-family dwelling units. The 14 acres identified as Lot A and 16-acres identified as Lot C is proposed to be pre-zoned and designated Open Space on the Land Use Diagram of the *City of Morgan Hill General Plan* and ultimately annexed to the City. As identified below, under Checklist Item 4.3(b), construction impacts would be temporary and less than significant with the incorporation of BAAQMD's Basic Construction Mitigation (refer to Mitigation Measure AQ-1). Checklist Item 4.3(b) also identifies that total operational emissions from the project would not exceed the BAAQMD thresholds for criteria pollutants, as the proposed project is within the BAAQMD's screening criteria. Additionally, the proposed project would facilitate construction of residential units in an area of the City in proximity to existing residential uses, institutional uses, and parks, and would not locate people near any significant pollutant sources or disrupt or hinder implementation of *2010 Clean Air Plan* control

¹ Bay Area Air Quality Management District, *Draft Bay Area 2010 Clean Air Plan*, March 11, 2010.

² Bay Area Air Quality Management District, *BAAQMD CEQA Air Quality Guidelines*, May 2010, updated May 2011 and May 2012.

measures. Thus, the proposed project would not conflict with or obstruct implementation of the 2010 Clean Air Plan, and a less than significant impact would occur in this regard.

Mitigation Measures: No mitigation is required.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Less Than Significant Impact With Mitigation Incorporated. The Basin is currently classified as a nonattainment area for the State one and eight hour ozone (O₃) standards; the State PM₁₀ (particulate matter) and PM_{2.5} (fine particulate matter) standards; and the Federal eight hour ozone standard. For all other criteria pollutants, the Basin is classified as either in attainment or unclassified.

The BAAQMD adopted its revised *CEQA Air Quality Guidelines* on June 2, 2010 (updated in May 2011), which include quantitative thresholds for construction and operational related air quality impacts, as presented in Table 4.3-1, Bay Area Air Quality Management District Thresholds of Significance.

**Table 4.3-1
Bay Area Air Quality Management District Thresholds of Significance**

Pollutant	Construction	Operational
	Average Daily Emissions (pounds/day)	Average Daily Emissions (pounds/day)
ROG	54	54
NO _x	54	54
PM ₁₀ (exhaust)	82	82
PM _{2.5} (exhaust)	54	54
PM ₁₀ / PM _{2.5} (fugitive dust)	Best Management Practices	None

Source: Bay Area Air Quality Management District, *CEQA Air Quality Guidelines*, June 2, 2012 (revised May 2011).

Thresholds of significance adopted by BAAQMD were called into question by an order issued March 5, 2012 in California Building Industry Association vs. BAAQMD, Alameda County Court Case No. RG10548693. The order requires the BAAQMD thresholds to be subject to further environmental review. The claims made in the case concerned the CEQA impacts of adopting the thresholds (i.e., how the thresholds would affect land use development patterns) and petitioners argued that the thresholds for greenhouse gases favor residential development projects at the expense of mixed-use projects. The claims indicate that the BAAQMD thresholds are overly-conservative (i.e., overly protective of the environment). Accordingly, use of the BAAQMD thresholds will not understate the projects air quality emissions and represent the best scientifically based information available. It should be noted that the Court of Appeals ruled that the BAAQMD's adoption of new or revised thresholds of significance is not a 'project' under CEQA and, therefore, is not required to comply with CEQA requirements. The BAAQMD, however, provided a recommendation that lead agencies determine appropriate air quality thresholds of significance based on substantial evidence in the record. Based on substantial evidence in the record, the BAAQMD's 2011 Thresholds were utilized for the purposes of analyzing potential air quality impacts of the project.

Construction Related Impacts

Construction activities are generally short-term in duration, but may still cause adverse air quality impacts. Emissions result from a variety of construction activities, including excavation, grading, demolition, paving, building construction, coating, vehicle travel on unpaved surfaces, and vehicle and equipment exhaust. These emissions can lead to adverse health effects and cause nuisance concerns, such as reduced visibility and the generation of dust.

Implementation of the proposed project could facilitate future development within the project site, which would result in construction activities.

Fugitive Dust (PM_{10} and $PM_{2.5}$)

Construction activities are a source of fugitive dust (also known as PM_{10} and $PM_{2.5}$) emissions that may have a substantial, temporary impact on local air quality. Fugitive dust is often a nuisance to those living and working within the vicinity of the project site. Fugitive dust emissions are associated with demolition, land clearing, ground evacuation, cut and fill operations, and truck travel on unpaved roadways. Fugitive dust emissions also vary substantially from day to day, depending on the level of activity, the specific operations, and weather conditions.

PM_{10} and $PM_{2.5}$ are both emitted during construction activities and as a result of wind erosion over exposed soil surfaces. Clearing and grading activities comprise the major sources of construction dust emissions, but traffic and general disturbance of the soil also generates significant dust emissions. PM_{10} and $PM_{2.5}$ emissions can vary greatly depending on the level of activity, the specific operations taking place, the equipment being operated, local soils, weather conditions, and other factors making quantification difficult. The highest potential for construction dust impacts would occur during the dry late spring, summer, and early fall months when soils are dry. Despite this variability in emissions, experience has shown that there are a number of feasible control measures that can be reasonably implemented to significantly reduce PM_{10} and $PM_{2.5}$ emissions from construction activities. The BAAQMD recommends the implementation of all Basic Construction Mitigation Measures, whether or not construction-related emissions exceed applicable significance thresholds. Implementation of the BAAQMD's Basic Construction mitigation measures, as required under Mitigation Measure AQ-1 would be required for future development occurring under the proposed project to ensure that construction emissions associated with the proposed project are less than significant.

Construction Equipment and Worker Vehicle Exhaust

Exhaust emissions would be generated by the operation of vehicles and equipment on future construction sites, such as tractors, dozers, scrapers, backhoes, cranes, and trucks. The majority of construction equipment and vehicles would be diesel powered, which tends to be more efficient than gasoline-powered equipment. Diesel-powered equipment produces lower CO and hydrocarbon emissions than gasoline equipment, but produces greater amounts of NO_x , SO_x , and particulates per hour of activity. The transportation of equipment and materials to and from future construction sites, as well as construction workers traveling to and from the sites would also generate vehicle emissions during construction. The BAAQMD has standard regulations, such as maintaining all construction equipment in proper tune and shutting down equipment when not in use for extended periods of time to help reduce construction exhaust, which is included in Mitigation Measure AQ-1.

Reactive Organic Gas (ROG) and Volatile Organic Compound (VOC) Emissions

Future development in the project site would require exterior improvements including surface coating. The application of asphalt and surface coatings creates reactive organic gas (ROG) emissions, which are ozone precursors (it also creates gaseous and particulate emissions). The BAAQMD has a standard regulation that places certain requirements on painting and coating activities to help reduce ROG emissions to the maximum extent feasible. Future development projects would be required to adhere to BAAQMD Regulation 8 (Organic Compounds), Rule 3 (Architectural Coatings), which would minimize construction related ROG emissions to the maximum extent feasible.

Total Construction Emissions

The BAAQMD's *CEQA Air Quality Guidelines* include screening criteria which provides lead agencies with a conservative indicator of whether a proposed project would result in the generation of construction-related criteria air pollutants and/or precursors that exceed the BAAQMD's thresholds of significance. The proposed project includes annexation and pre-zoning of land that would allow for the development of approximately 54 dwelling units in the City of Morgan Hill. According to the BAAQMD *CEQA Air Quality Guidelines*, the construction screening project size for single-family residential land uses is 114 dwelling units. Thus, the proposed project would be within the construction screening criteria and a quantitative analysis is not required. Additionally, all of the BAAQMD Basic Construction Mitigation (included in Mitigation Measure AQ-1) would be included in future development at the project site. Therefore, as the proposed project is within the BAAQMD's screening criteria, construction air quality impacts would be less than significant.

Structural Asbestos

Asbestos is a strong, incombustible, and corrosion resistant material, which was used in many commercial products since prior to the 1940s and up until the early 1970s. If inhaled, asbestos fibers can result in serious health problems. Asbestos Containing Materials (ACMs) are building materials containing more than one percent asbestos (some state and regional regulators impose a one-tenth of one percent threshold). Multiple on-site structures requiring demolition exist within the boundaries of the project site; therefore, the potential for ACMs to be found on-site is considered likely. The BAAQMD regulates the demolition of buildings and structures containing asbestos. No demolition activities are proposed within the project site at this time. Thus, no impact would occur in this regard.

Naturally Occurring Asbestos

The Governor's Office of Planning and Research, State Clearinghouse encourages lead agencies to analyze potential impacts related to naturally occurring asbestos (NOA). Asbestos is a term used for several types of naturally occurring fibrous minerals that are a human health hazard when airborne. The most common type of asbestos is chrysotile, but other types such as tremolite and actinolite are also found in California. Asbestos is classified as a known human carcinogen by State, Federal, and international agencies, and was identified as a toxic air contaminant by the California Air Resources Board (CARB) in 1986.

Asbestos can be released from serpentinite and ultramafic rocks when the rock is broken or crushed. At the point of release, the asbestos fibers may become airborne, causing air quality and human health hazards. These rocks have been commonly used for unpaved gravel roads, landscaping, fill projects, and other improvement projects in some localities.

According to the Department of Conservation Division of Mines and Geology, *A General Location Guide for Ultramafic Rocks in California – Areas More Likely to Contain Naturally Occurring Asbestos Report* (dated August 2000), the proposed project site is not located in an area where NOA is likely to be present. Therefore, impacts would be considered less than significant.

Operational Impacts

Implementation of the proposed project would facilitate the future development of approximately 54 dwelling units in the City of Morgan Hill, which would result in area and mobile source emissions. Mobile sources are emissions from motor vehicles, including tailpipe and evaporative emissions. Depending upon the pollutant being discussed, the potential air quality impact may be of either regional or local concern. For example, ROGs, NO_x, and PM₁₀ are all pollutants of regional concern. However, CO tends to be a localized pollutant, dispersing rapidly at the source. Area source emissions would be generated due to an increased demand for electrical energy and natural gas consumption with the development of the proposed project. The primary use of natural gas by the proposed project would be for

combustion to produce cooling, space heating, water heating, and other miscellaneous heating or air conditioning sources.

The BAAQMD's *CEQA Air Quality Guidelines* include screening criteria which provides lead agencies with a conservative indicator of whether a proposed project would result in the generation of operational-related criteria air pollutants and/or precursors that exceed the BAAQMD's thresholds of significance. If all of the screening criteria are met by a proposed project, then the lead agency or applicant would not need to perform a detailed air quality assessment of the project's air pollutant emissions. According to the *CEQA Air Quality Guidelines*, the construction screening project size for single-family residential land uses is 114 dwelling units. Thus, the proposed project would fall within the screening criteria and operational air quality impacts would be considered less than significant.

Mitigation Measures:

AQ-1 The following Best Management Practices (BMPs) (as set forth in Table 8-1, BAAQMD Basic Construction Mitigation Measures, outlined in the BAAQMD *CEQA Air Quality Guidelines*, shall be included in the construction-contract specifications for the proposed project. The control measures shall be implemented during the duration of all proposed construction activities:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the Town regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

c) ***Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?***

Less Than Significant Impact With Mitigation Incorporated.

Cumulative Construction Impacts

As discussed above, the project's construction-related emissions would not exceed any of the BAAQMD thresholds of significance, as the proposed project would be within the BAAQMD's screening criteria. Additionally, future development that would occur as a result of the proposed project would implement BAAQMD's Basic Construction Mitigation (included in Mitigation Measure AQ-1). The BAAQMD *CEQA Air Quality Guidelines* do not include significance thresholds for cumulative construction emissions. However, due to the temporary nature of construction emissions, if a project's emissions would be less than significant based on the project-level thresholds of significance,

it can be expected that construction emissions would not be a cumulatively considerable. Therefore, construction emissions associated with the proposed project would not result in a cumulatively considerable contribution to cumulative air quality impacts.

Cumulative Long-Term Impacts

As previously discussed, the potential development that would occur with implementation of the proposed project would be within the BAAQMD's screening criteria for operational emissions. The *BAAQMD CEQA Air Quality Guidelines* note that if a project is within the screening criteria, operation of the proposed project would result in a less-than-significant cumulative impact to air quality from criteria air pollutant and precursor emissions. Therefore, the proposed project would not be cumulatively considerable. Impacts in this regard would be less than significant.

Mitigation Measures: Refer to Mitigation Measure AQ-1.

d) *Expose sensitive receptors to substantial pollutant concentrations?*

Less Than Significant Impact. Sensitive receptors are defined as facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses. Examples of these sensitive receptors are residences, schools, hospitals, and daycare centers. The California Air Resources Board (CARB) has identified the following groups of individuals as the most likely to be affected by air pollution: the elderly over 65, children under 14, athletes, and persons with cardiovascular and chronic respiratory diseases such as asthma, emphysema, and bronchitis.

The sensitive receptors closest to the project area are residential uses, which are located east of the project site. However, as noted in the response to Checklist Item 4.3(b), the construction and operation of the proposed project would not result in substantial pollutant concentrations. Therefore, impacts on sensitive receptors would be less than significant.

Mitigation Measures: No mitigation is required.

e) *Create objectionable odors affecting a substantial number of people?*

Less Than Significant Impact. Land uses associated with odor complaints typically include agricultural uses, wastewater treatment plants, food processing plants, chemical plants, composting, refineries, landfills, dairies, and fiberglass molding. The proposed project does not include any uses identified by the BAAQMD as being associated with odors. Therefore, the proposed project would not create objectionable odors affecting a substantial number of people.

Mitigation Measures: No mitigation is required.

4.4 BIOLOGICAL RESOURCES

<i>Would the project:</i>	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		✓		
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			✓	
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?		✓		
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			✓	
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?		✓		
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?		✓		

- a) ***Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?***

Less Than Significant Impact With Mitigation Incorporated. The following discussion is based in part upon a *Biological Evaluation* that was prepared for the proposed project by Live Oak Associates, Inc. (Live Oak Associates), on July 14, 2014. The Biological Evaluation is included as Appendix A, Biological Evaluation.

Biotic Habitats

The project site supports three biotic habitats that provide some biological habitat value for certain species, which include "California Annual Grassland", "Mixed Oak Woodland", and "Evaporation Basin/Drainages". In addition to these habitats, the site also supports one rural residential area. For the purposes of this report this area is listed as "developed/ruderal." The biotic habitats within the project site are shown in Exhibit 4.4-1, Biotic Habitats.



Source: Live Oak Associates, Inc.; July 22, 2014.

NOT TO SCALE



08/14 • JN 141978

OAK MEADOW PLAZA
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

Biotic Habitats

Exhibit 4.4-1

California Annual Grassland. The majority of the project site is comprised of California Annual Grasslands, which serve as grazing lands for cattle. Portions of the Annual Grasslands appear to be disced and mowed periodically. The majority of the eastern portion of this habitat was disced at the time of Live Oak Associates' March 2012 site visit and several fire breaks were disced at the time of the Live Oak Associates' July 2014 site visit. One slight depression occurring within the area mapped as California Annual Grassland appears to support occasional ponding. This feature was noted as occurring along Edmundson Avenue to the west of the existing residential property driveway. Annual Grasslands are dominated by non-native grasses and forbes.

The depressional feature, mapped as a potential wetland swale, appears to support vegetation that is fairly consistent with the surrounding upland habitats, but this feature was also noted as containing some wetland indicator species including curly dock (*Rumex crispus*) that can result from prolonged inundation of surface water. Historical aerial images of this feature do not show standing water, so the propensity of this feature to hold water is fairly low, but field evidence suggests that ponding does occur.

Only one reptilian species, the western fence lizard, was observed within the annual grasslands during the March 2012 and 2014 surveys by Live Oak Associates. No amphibian species were observed during these surveys. Several additional amphibian and reptilian species that would reasonably be expected to occur within this habitat type include but are not limited to: the Pacific treefrog, California alligator lizard, terrestrial garter snake, California kingsnake, Pacific gopher snake, and western rattlesnake, which may forage in grassland-like open habitats for invertebrates and/or small mammals.

Avian species observed during the field surveys include the bald eagle, golden eagle, red-tailed hawk, acorn woodpecker, northern flicker, killdeer, mourning dove, rock dove, barn swallow, Anna's hummingbird, black phoebe, western scrub-jay, northern mockingbird, American robin, European starling, white-crowned sparrow, Brewer's blackbird, red-winged blackbird, and house finch. These and other bird species would be expected to utilize the Annual Grasslands within the project site for foraging habitat, cover, and limited breeding habitat.

Mammals observed in this habitat included the California ground squirrel, Botta's pocket gopher, and domestic dog. Evidence in the form of scat was observed for the coyote. Other mammal species likely to occur include the Virginia opossum, California vole, raccoon, striped skunk, and black-tailed deer. Predators that may be attracted to small mammals and invertebrates of the ruderal fields include the American badger, non-native red fox, grey fox, bobcat, and cougar.

Mixed Oak Woodland. Mixed Oak Woodland exists primarily in the northwestern and southern portions of the project site and primarily on the north and northwest facing slopes. Within the southern portion of the project site there are two general patches of intact oak woodland habitat. The oak woodland is dominated by mature coast live oak, blue oak, valley oak, and California bay trees.

The California slender salamander was the only amphibian located within the Oak Woodland during the field surveys, although the Pacific treefrog, California newt, yellow-eyed ensatina, and arboreal salamander are all expected to occur in this habitat. One reptile, the western fence lizard, was observed in the Oak Woodland habitat during the survey. This species was primarily noted within a rocky outcrop area located along the top of the hill within the southern patch of oak woodland habitat. Other reptiles expected to occur in this habitat type include western skink, alligator lizard, terrestrial garter snake, gopher snake, California kingsnake, and rattlesnake.

Avian species observed during the site visit include the turkey vulture, Anna's hummingbird, acorn woodpecker, oak titmouse, white-breasted nuthatch, dark-eyed junco, lesser goldfinch, and a common poorwill, the last of which was flushed from a roosting location in a rock outcrop during the survey. Avian species occurring in the adjacent grassland would be expected to occur in this habitat type, as well. This high quality habitat supports numerous species of nesting birds including raptors. An active red-tailed hawk nest was observed within the oak woodland habitat in the northwest portion of the Sunset Property during the March 2012 survey.

Mammal observations within the oak woodland were limited to sparse California ground squirrel burrows along the margins of the woodland and raccoon scat. Other mammalian species expected to occur within this habitat type may include the opossum, eastern fox squirrel, eastern grey squirrel, western grey squirrel, striped skunk, coyote, domestic dog, domestic cat, and bobcat. The mountain lion may also traverse through the project site periodically.

Evaporation Basin/Drainages. The eastern portion of the project site supports some water features that appear to be man-made and serve to direct water at a portion of the project site. These features include a few sections of drainage that are connected and that are filled by overflow waters off-site into a roadside ditch then back on-site into an evaporation basin that appears to hold water during and following high precipitation events. When this basin fills, overflow water then flows into an overflow pipe that takes water off-site to a pond located within the Morgan Hill Community Park to the east of the project site. Water typically leaves the off-site pond via evaporation; however, in high precipitation years it may overflow into City storm drains.

Crawdads exoskeletal remnants were observed in the bottom of the overflow pipe from the evaporation basin. Fish species are absent from this drainage system. "Upstream" habitat is unsuitable for fish and "downstream" fish habitat is blocked via a high-water overflow pipe. In high precipitation years, this drainage system may provide breeding habitat for amphibians such as California newts, Pacific treefrogs, western toads, and bullfrogs, to name a few. Reptiles such as the alligator lizard, western fence lizard, garter snake, gopher snake, California kingsnake, and rattlesnake may be expected to exist on the adjacent grassland habitat and banks during periods of inundation. As observed in the captured hoof prints of the dry soils at the bottom of the basin, cattle utilize this on-site water feature for drinking water when inundated.

Birds expected to occur or observed within this habitat are expected to occur in the grassland habitat on the project site as well. Riparian habitat does not exist in this drainage system or anywhere on-site, therefore, riparian bird species occurring on-site would be limited to those stopping to forage on the site from time to time en route to preferable habitats off-site.

Raccoon prints were observed in the evaporation basin bed and California ground squirrels were prevalent along the margins of these features. Other mammalian species may utilize this feature for marginal forage habitat (e.g., the Botta's pocket gopher, coyote, domestic dog, bobcat, domestic cat, and black-tailed deer).

Developed/Ruderal. A single house, with associated barn, trailers, corrals, and out-buildings, is located along the southern edge of the project site. The surrounding lands support primarily non-native landscaped vegetation and ruderal annual grassland vegetation. The property contains a few trees including valley oak and pomegranate (*Punica granatum*). A small area of lawn was noted, and a Himalayan blackberry (*Rubus armeniacus*) patch was observed. Much of the area is highly disturbed due to driveway traffic and livestock activities within and between the barn and corrals.

Developed lands such as this provide limited habitat for locally occurring wildlife species; however, the rural nature of the developed lands within the study area provide some level of continuity between more natural habitats. Animal species that may utilize the developed lands incidentally for forage and cover include species observed or expected to occur in the surrounding habitat types.

Special Status Species

Several species of plants and animals within the State of California have low populations and/or limited distributions. Such species may be considered rare and are vulnerable to extirpation as the State's human population grows and the habitats these species occupy are converted to agricultural and urban uses. State and federal laws have provided the California Department of Fish and Wildlife (CDFW) and the U.S. Fish and Wildlife Service (USFWS) with a mechanism for conserving and protecting the diversity of plant and animal species that are native to the state. A sizeable number of native plants and animals have been formally designated as "threatened" or "endangered" under

state and federal endangered species legislation. Others have been designated as candidates for such listing. Still others have been designated as “species of special concern” by the CDFW. The California Native Plant Society (CNPS) has developed its own set of native plants considered rare, threatened, or endangered (CNPS 2014). Collectively, these plants and animals are referred to as “special status species.”

A number of special status plants and animals occur in the project vicinity as shown in Exhibit 4.4-2, *Special Status Species*. A full list of these species is listed in Table 2, *List of Special Status Species that Could Occur in the Project Vicinity*, of the Biological Evaluation (provided in Appendix A). Seventeen special status animal species occur, or once occurred, regionally. Of these, 10 species would be absent or unlikely to occur on the site due to a lack of suitable habitat for these species. These species include the bay checkerspot butterfly, California red-legged frog, western pond turtle, coast horned lizard, western snowy plover, western burrowing owl, least Bell’s vireo, California yellow warbler, San Francisco dusky-footed woodrat, and ringtail.

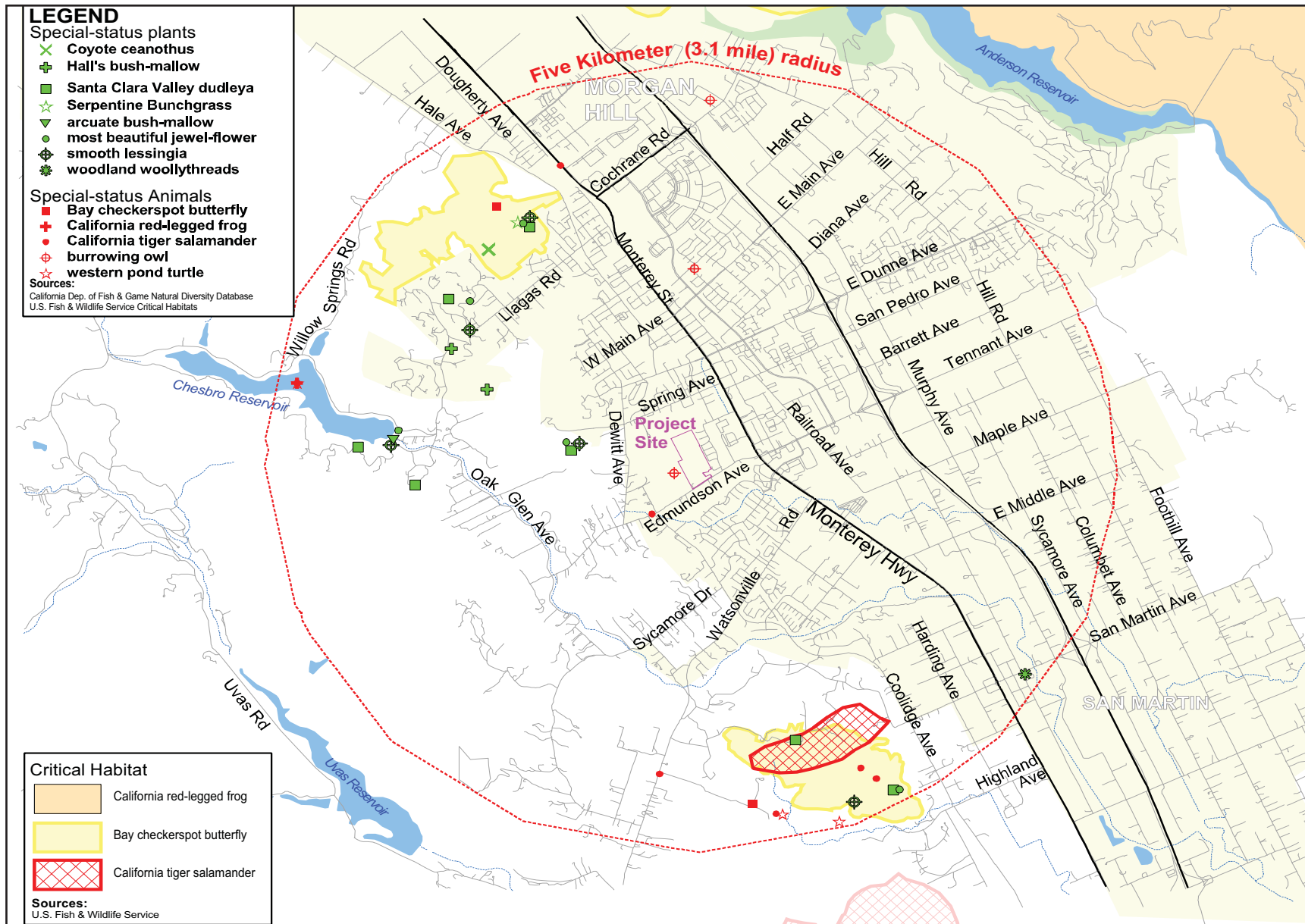
Of the remaining seven special status animal species, three of the avian species potentially occur more frequently as regular foragers or transients, but would not be expected to nest on site, which include the golden eagle, black swift, and tricolored blackbird. For these species, future development would not pose a significant impact, as suitable foraging habitat is regionally abundant.

The remaining special status animals, the California tiger salamander, western burrowing owl, white-tailed kite, pallid bat, and American badger, potentially occur more frequently as regular foragers or for breeding. Potential impacts to individuals and habitat for these species are further discussed below.

California Tiger Salamander (*Ambystoma californiense*). California tiger salamander is considered a Federally Threatened and California Threatened Species of Concern. This species typically breeds in vernal pools and stock ponds of central California. Adults estivate in grasslands habitats adjacent to the breeding sites. Potentially suitable aquatic breeding habitat is present within the project site in the form of the evaporation basin that is fed by the off-site pond and runoff from surrounding areas. In addition, the off-site pond, located to the west, and uphill from the evaporation basin, may provide more regular breeding habitat for California tiger salamander and as such all upland habitats of the project site support potential suitable estivation habitat for California tiger salamander.

Implementation of the recommended Mitigation Measure BIO-1 would require the entire project site to be added to the Santa Clara Valley Habitat Plan (as part of the proposed annexation into the City of Morgan Hill). Santa Clara Valley Habitat Plan-covered species expected to forage on-site include the California tiger salamander. Impacts to this non-breeding habitat for covered species would be addressed by the applicant’s payment of the appropriate Santa Clara Valley Habitat Plan impact fees (Mitigation Measure BIO-1). Further, avoidance and minimization measures for the on-site Valley and Blue Oak Woodland habitats (which support the California tiger salamander) would be required to be followed per the Santa Clara Valley Habitat Plan. Implementation of Mitigation Measure BIO-1 would be required to reduce impacts to the California tiger Salamander to a less than significant level.

Western Burrowing Owl. Western burrowing owl is considered a California Species of Special Concern. Although no burrowing owls have been observed within the project site, suitable nesting habitat for burrowing owls is present in the form of California ground squirrel burrows located throughout the project site. Protocol-level burrowing owl surveys of the project site were not conducted during the site visit. The Edmundson Tank Property is a burrowing owl preserve managed by the City of Morgan Hill, which has been surveyed multiple times per year since 2002. The last observation of a burrowing owl on that property was in the form of evidence of their presence (whitewash, feathers, and pellets) observed in August 2002. In addition, a rehabilitated burrowing owl was released on this site



Source: Live Oak Associates, Inc.; July 22, 2014.

NOT TO SCALE

by staff from the Wildlife Education and Rehabilitation Center in 2003, but the owl abandoned the site immediately. No burrowing owls or sign of them have been observed on the site since that time. Also, there have been no known occurrences of burrowing owls within Morgan Hill for more than five years. Regardless, the western burrowing owl is a volant species that may pass through the project site from time to time, and may, in the future, overwinter and/or breed on the site. If a burrowing owl were to nest in the proposed development area prior to the start of construction, construction activities could result in the abandonment of active nests or direct mortality to these birds. Construction activities that adversely affect the nesting success or result in mortality of individual owls would be considered a significant impact. Additionally, should actively breeding burrowing owls occur in the development area during the breeding season, development activities would result in the permanent loss of burrowing owl habitat. Conversion of grasslands to urban development would result in a potentially-significant loss of habitat for the western burrowing owl and may result in harm or injury to individuals of this species, which would constitute a significant adverse impact.

Santa Clara Valley Habitat Plan-covered species expected to forage on-site include the western burrowing owl. Impacts to this non-breeding habitat for covered species would be addressed by the applicant's payment of the appropriate Santa Clara Valley Habitat Plan impact fees (Mitigation Measure BIO-1). According to Table 6-8 of the Santa Clara Valley Habitat Plan, specific habitat survey requirements and preconstruction surveys would be required for the western burrowing owl. However, it is important to note that with respect to western burrowing owl, the Santa Clara Valley Habitat Plan does not supersede the requirements of the City of Morgan Hill's *2003 Burrowing Owl Mitigation Plan* (Burrowing Owl Mitigation Plan), dated June 2013. The purpose of the Burrowing Owl Mitigation Plan is to create a comprehensive program to mitigate impacts to burrowing owls and their habitat, instead of addressing such impacts on a project-by-project basis. As a result of this plan, the City has established a 30.5-acre preserve for burrowing owl off of Edmundson Avenue.

Lands subject to the Burrowing Owl Mitigation Plan are those lands that are 600 feet in elevation above sea level and support any grassland and/or mixed herbaceous vegetation upon which an activity is proposed that is defined as a "project" by CEQA. As such, the proposed project is subject to the Burrowing Owl Mitigation Plan. Should the project 1) not comply with the mitigation requirements of the City's Burrowing Owl Mitigation Plan, or 2) disturb non-breeding habitats for species covered under the Santa Clara Valley Habitat Plan without paying impact fees, a potentially significant impact would result with respect to the project having a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. Implementation of recommended Mitigation Measure BIO-2 would ensure the project's consistency with the Burrowing Owl Mitigation Plan, reducing impacts in this regard to less than significant levels. Thus, with implementation of both Mitigation Measures BIO-1 and BIO-2, the project would be consistent with the Santa Clara Valley Habitat Plan and Burrowing Owl Mitigation Plan and impacts pertaining to the Western Burrowing Owl would be reduced to less than significant levels.

White Tailed Kite and other Tree-Nesting Migratory Birds. The White Tailed Kite is considered a California Protected Species by CDFW and tree nesting migratory birds are protected under the Migratory Bird Treaty Act. Although the loss of habitat for the white-tailed kite and other non-listed migratory birds, and non-listed birds of prey would not be considered significant, impacts to individuals would be considered potentially significant. In fact, impacts to any migratory bird or bird of prey would be in violation of the Migratory Bird Treaty Act and California Fish and Wildlife Code. The on-site trees and high tension structures provide suitable habitat for nesting avian species, as observed with the active red-tailed hawk nest within oak woodlands at the site. Site development near suitable nesting habitat (within 250 feet) or that directly impact trees, during the avian nesting season (February 1st through August 31st) could result in the abandonment of an active nest. The mortality of individuals that may result would be considered a significant impact.

Implementation of recommended Mitigation Measures BIO-3 would require bird pre-construction surveys by a qualified biologist for the project area if site disturbance activities take place during the breeding season (February 1st through August 31st). If pre-construction surveys undertaken during the nesting season locate active nests within

or near construction zones, these nests, and an appropriate buffer around them (as determined by a qualified biologist), would be required to remain off-limits to construction until the nesting season is over. Suitable setback buffers from occupied nests would be established by a qualified biologist and maintained until the conclusion of the nesting season. Thus, implementation of Mitigation Measures BIO-3 would reduce impacts in this regard to a less than significant level.

Pallid Bats and Other Roosting Bats. A number of bat species including, but not limited to the pallid bat may forage on the project site year-round or during migration. Conversion of grasslands to residential development, potential demolition of any buildings, and removal of off-site eucalyptus would result in a less than significant loss of habitat for bats, as such habitat is abundantly available regionally. Impacts in this regard would be less than significant.

American Badger. American Badger is considered a California Species of Special Concern. Although American badger was not observed on the project site during the site survey, badger burrows are present on the adjacent Edmundson Tank Site. It is likely that badgers would be present within this contiguous grassland habitat. Conversion of grasslands to urban development would result in less than significant loss of habitat for the American badger, but may result in harm or injury to individuals of this species, which would be considered a significant impact.

Mitigation Measure BIO-4 would require pre-construction surveys to be conducted by a qualified biologist within 30 days of the on-set of site disturbances in order to determine the presence or absence of badgers in the development footprint. If an active badger den is identified during pre-construction surveys within or immediately adjacent to the construction envelope, a construction-free buffer of up to 300 feet would be required to be established around the den. As badgers are known to use multiple burrows in a breeding burrow complex, a biological monitor would be present on-site during construction activities to ensure the buffer is adequate to avoid direct impact to individuals or nest abandonment. The monitor would be required to be present on-site until it is determined that the young are of an independent age and construction activities would not harm individual badgers. Once it has been determined that badgers have vacated the site, the burrows can be collapsed or excavated, and ground disturbance can proceed. Implementation of the recommended Mitigation Measure BIO-4 would reduce this impact to the American Badger to a less than significant level.

Mitigation Measures:

BIO-1 Santa Clara Valley Habitat Plan. Prior to issuance of any grading or building permit, the project owner or designee shall follow all Santa Clara Valley Habitat Plan requirements applicable to the project site, including but not limited to requirements pertaining to the California tiger salamander, burrowing owl, and wetland habitats. Santa Clara Valley Habitat Plan requirements include the submittal of all relevant applications, avoidance and/or minimization measures of supporting habitats, payment of required fees, and/or implementation of habitat surveys and pre-construction surveys as defined in the plan and required by the permit(s) obtained.

BIO-2 Burrowing Owls. Prior to issuance of any grading or building permit, the project owner or designee shall provide payment of required fees pursuant to the City of Morgan Hill Burrowing Owl Mitigation Plan for impacts to and near suitable burrowing owl habitat. Fees collected by the City shall be used towards purchase and maintenance of preserved lands for burrowing owls. Additionally, in order to avoid impacts to active burrowing owl nests, a qualified biologist shall conduct pre-construction surveys for burrowing owls in the construction footprint and within 250 feet of the construction footprint no more than 30 days prior to the on-set of ground disturbance. These surveys shall be conducted in a manner consistent with accepted burrowing owl survey protocols.

If pre-construction surveys determine that burrowing owls occupy the project site during the non-breeding season (September 1 through January 31), then a passive relocation effort (e.g., blocking burrows with one-way doors and leaving them in place for a minimum of three days) may be necessary

to ensure that the owls are not harmed or injured during construction. Once it has been determined that owls have vacated the project site during the non-breeding season, the burrows can be collapsed, and ground disturbance can proceed.

If burrowing owls are detected within the construction footprint or immediately adjacent lands (i.e., within 250 feet of the footprint) during the breeding season (February 1 through August 31), a construction-free buffer of 250 feet shall be established around all active owl nests. The buffer area shall be enclosed with temporary fencing, and construction equipment and workers shall not be permitted to enter the enclosed setback areas. Buffers shall remain in place for the duration of the breeding season or until it has been confirmed by a qualified biologist that all chicks have fledged and are independent of their parents. After the breeding season, passive relocation of any remaining owls by a qualified biologist may take place.

- BIO-3 *Nesting Raptors or Other Migratory Birds.* Should project construction be scheduled to commence between February 1st and August 31st, a pre-construction survey shall be conducted by a qualified biologist for nesting birds within the suitable nest areas of the site including trees and high tension towers within the development footprint, as well as all trees within 250 feet of these areas. This survey shall occur no more than two weeks prior to the on-set of site disturbances between February and May and within 30 days of the on-set of construction from June through August.

If pre-construction surveys undertaken during the nesting season locate active nests within or near construction zones, these nests, and an appropriate buffer around them (as determined by a qualified biologist), shall remain off-limits to construction until the nesting season is over. Suitable setback buffers from occupied nests shall be established by a qualified biologist and maintained until the conclusion of the nesting season.

- BIO-4 *American Badgers.* Pre-construction surveys shall be conducted by a qualified biologist within 30 days of the on-set of site disturbances in order to determine the presence or absence of badgers in the development footprint. If an active badger den is identified during pre-construction surveys within or immediately adjacent to the construction envelope, a construction-free buffer of up to 300 feet shall be established around the den. As badgers are known to use multiple burrows in a breeding burrow complex, a biological monitor shall be present on-site during construction activities to ensure the buffer is adequate to avoid direct impact to individuals or nest abandonment. The monitor shall be present on-site until it is determined that the young are of an independent age and construction activities would not harm individual badgers. Once it has been determined that badgers have vacated the site, the burrows can be collapsed or excavated, and ground disturbance can proceed.

- b) ***Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?***

Less Than Significant Impact. None of the biotic habitats on-site are considered sensitive, however, the wet features may provide added value of the site to native wildlife such as the California tiger salamander and pacific tree frog. The remainder of the study area consists of grazed annual grassland and oak woodland, which provide high-quality habitat for most species. Due to the large amount of proposed open space, the loss of habitat for native wildlife resulting from the proposed project would constitute a less-than-significant impact.

Mitigation Measures: No mitigation is required.

- c) ***Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?***

Less Than Significant Impact With Mitigation Incorporated. Future site development would result in the filling of the evaporation/detention basin and may result in permanent and temporary disturbances to Waters of the United States located within the project site. The Santa Clara Valley Habitat Plan provides coverage for impacts to wetland habitats. Compliance with Mitigation Measure BIO-1 would reduce the impact associated with filling of the evaporation/detention basin to a less than significant level.

At this time a formal wetland delineation of the project site has not been conducted. However, portions of the project site contain man-made features that appear to be inundated during periods of high precipitation, including drainage ditches and an evaporation/detention basin. As illustrated in Exhibit 4.4-1, these features include a narrow, linear drainage ditch, approximately 240 feet long, that carries water from an on-site culvert toward Sunset Avenue, a small non-wetland channel that is approximately 75 feet long, and an evaporation/detention basin that is approximately 0.3 acres in extent. The drainages and evaporation basin, which appear to have been created in upland habitats, contain weedy non-native vegetation, including many ruderal, non-native grasses and forbs typical of the surrounding grassland habitat. There is no riparian habitat associated with any of these features. In addition to this hydrological system, an area within the annual grasslands in the southern section of the site appears to support ponding for portions of the year. This potential wetland swale appears to have been created as a result of the construction of Edmundson Avenue and the driveway to the residential property. These features may be considered jurisdictional by the United States Corps of Engineers (USACE) and the Regional Water Quality Control Board (RWQCB). As such, filling of jurisdictional wetlands and drainages would require permits from the USACE and RWQCB.

Implementation of the recommended Mitigation Measure BIO-5 would ensure that a delineation of jurisdictional waters is prepared during the site planning process in order to confirm whether or not jurisdictional waters are present on-site. If present, the project applicant would be required to obtain permits from the applicable regulatory agencies and implement any required avoidance, minimization, and/or compensation measures required, if any. Thus, with implementation of the recommended Mitigation Measure BIO-5, the potential impacts to waters of the U.S. and waters of the State would be reduced to less than significant levels.

Mitigation Measures: Refer to Mitigation Measure BIO-1 in addition to the following:

BIO-5 Prior to Architectural and Site Review or Tentative Map approval, a formal wetland delineation shall be completed by a qualified wetland biologist and submitted to the United States Army Corps of Engineers (USACE) for verification to determine which features of the site are considered to be jurisdictional, if any.

After jurisdictional habitats have been identified (if any), the project owner or designee shall implement avoidance, minimization, and/or compensation measures, as required by the USACE.

If jurisdictional habitats are identified and verified by the USACE, the project applicant may then be required to obtain a Section 404 Clean Water Act permit from the USACE and Section 401 water quality certification from the Regional Water Quality Control Board (RWQCB). These permits would require mitigation for impacts to these features including creation of similar or higher quality habitat at a minimum of a 1:1 loss: creation ratio; or purchase of mitigation bank credits at a minimum 1:1 ratio at an approved mitigation bank. At this time, the USACE and RWQCB do not provide coverage of impacts through the Santa Clara Valley Habitat Plan; therefore, mitigations related to these agency permits would be in addition to payment of Santa Clara Valley Habitat Plan fees.

- d) ***Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?***

Less Than Significant Impact. The contiguous grasslands of the project site may facilitate the movement of wildlife through the region, from the hills to the west of the site and through the project site itself, however, there is development to the north, south, and east, so the project site does not function as an important movement corridor for native wildlife. Future development within the project site is not expected to have a significant effect on the home range and dispersal movements of native wildlife that may occur in the region. Therefore, the proposed project would result in a less than significant impact on the movements of native wildlife.

Mitigation Measures: No mitigation is required.

- e) ***Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?***

Less Than Significant Impact With Mitigation Incorporated. The following local policies related to biological resources are relevant to the project area:

Tree Preservation Ordinance. City of Morgan Hill Municipal Code Chapter 12.32, *Restrictions on Removal of Significant Trees*, states that the preservation and replacement of significant tree communities on private and public property is necessary to protect the natural beauty of the area, protect property values, and prevent undesirable changes in the environment. Permit(s) for tree removal at the project site would be required per Chapter 12.32.

As a large portion of the project site is proposed for open space, few trees would actually be removed as part of the project, all of which occur along Sunset Avenue. The removal of trees that are 40-inches in diameter at breast height (dbh) for non-indigenous species or 18-inches in diameter for native species measured at 4.5 feet above the natural grade, or above the lowest branch, would require appropriate permit(s) per Chapter 12.32 of the City's Municipal Code. For those trees that do require a permit from the City for tree removal, suitable mitigation would be required by the City to ensure conformance with the City's tree preservation ordinance. Compliance with Municipal Code Chapter 12.32 pertaining to proposed tree removal along Sunset Avenue would reduce impacts in this regard to less than significant levels.

City of Morgan Hill Burrowing Owl Mitigation Plan. As discussed in Response 4.4(a), the City's burrowing owl plan requires payment of construction fees and preconstruction surveys for new development for the purposes of reducing impacts to the Western Burrowing Owl. Mitigation Measure BIO-2 would ensure conformance with this plan, reducing impacts in this regard to less than significant levels.

Mitigation Measures: Refer to Mitigation Measure BIO-2. No additional mitigation measures are required.

- f) ***Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?***

Less Than Significant Impact With Mitigation Incorporated. Upon implementation of the proposed project, the project site would become subject to the Santa Clara Valley Habitat Plan. The Santa Clara Valley Habitat Plan addresses listed species and species that are likely to become listed during the plan's 50-year permit term. The covered species include, but are not limited to, western burrowing owl, California tiger salamander, and California red legged frog. The Santa Clara Valley Habitat Plan Planning Agreement requires that the agencies comment on reportable interim projects and recommend mitigation measures or project alternatives that would help achieve the preliminary conservation objectives and not preclude important conservation planning options or connectivity between areas of high habitat value.



Mitigation Measure BIO-1 would ensure that the project applicant complies with the Santa Clara Valley Habitat Plan. Therefore, the proposed project would not conflict with an applicable HCP/NCCP and would result in a less than significant impact in this regard.

Mitigation Measures: Refer to Mitigation Measure BIO-1. No additional mitigation measures are required.

4.5 CULTURAL RESOURCES

<i>Would the project:</i>	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines §15064.5?			✓	
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?		✓		
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		✓		
d. Disturb any human remains, including those interred outside of formal cemeteries?		✓		

a) Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines §15064.5?

Less Than Significant Impact. According to the City of Morgan Hill's list of historical structures, there are no historic structures located in the project vicinity.¹ However, there is a single family residential home and ancillary structures (e.g., barn) located in unincorporated Santa Clara County in the southern portion of the project site that may be over fifty years of age. These structures are not proposed for demolition at this time; are not currently listed as historical resources; and do not appear to be archaeologically significant. However, due to their age, these structures may be eligible for listing on the California Register of Historical Resources, National Register of Historic Places, and/or the County of Santa Clara's list of historic resources now or in the future.

If these existing structures are proposed for modification or demolition, the project applicant would be required to comply with Chapter 18.75 of the City of Morgan Hill *Municipal Code*, which would require that the status of each building greater than 45 years old is determined at the time of the proposed discretionary approval. In the event that substantial impacts to a historic resource are identified in the future, additional environmental review could be required. Therefore, implementation of the policies in the *City of Morgan Hill General Plan* and Chapter 18.75 of the City's *Municipal Code* would ensure that impacts to historic resources would be less than significant.

Mitigation Measures: No mitigation is required.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?

Less Than Significant Impact With Mitigation Incorporated. The Native American Heritage Commission (NAHC) conducted a Sacred Lands File search, which failed to indicate the presence of Native American cultural resources in the immediate project area. However, it is possible to inadvertently uncover previously unknown cultural resources or human remains during ground disturbing activities associated with future development of residential dwelling units and associated improvements within the project site (e.g., grading), which would be considered a potentially significant impact according to *CEQA Guidelines* Section 15064.5. Mitigation Measure CR-1 provides policies and procedures for treatment and disposition of inadvertently discovered human remains or archaeological materials.

¹ City of Morgan Hill, *Archaeological Sensitivity Map*, April 2000.

Implementation of Mitigation Measure CR-1 would require implementation of *Municipal Code* Chapter 18.75 to reduce the project's potential impacts on historic resources to a less than significant level.

Mitigation Measures:

CR-1 The proposed project may adversely impact undocumented human remains or unintentionally discover significant historic or archaeological materials. The following policies and procedures for treatment and disposition of inadvertently discovered human remains or archaeological materials shall apply. If human remains are discovered, it is probable they are the remains of Native Americans.

- If human remains are encountered they shall be treated with dignity and respect as due to them. Discovery of Native American remains is a very sensitive issue and serious concern. Information about such a discovery shall be held in confidence by all project personnel on a need to know basis. The rights of Native Americans to practice ceremonial observances on sites, in labs and around artifacts shall be upheld.
- Remains should not be held by human hands. Surgical gloves should be worn if remains need to be handled.
- Surgical mask should also be worn to prevent exposure to pathogens that may be associated with the remains.
- In the event that known or suspected Native American remains are encountered or significant historic or archaeological materials are discovered, ground-disturbing activities shall be immediately stopped. Examples of significant historic or archaeological materials include, but are not limited to, concentrations of historic artifacts (e.g., bottles, ceramics) or prehistoric artifacts (chipped chert or obsidian, arrow points, groundstone mortars and pestles), culturally altered ash-stained midden soils associated with pre-contact Native American habitation sites, concentrations of fire-altered rock and/or burned or charred organic materials, and historic structure remains such as stone-lined building foundations, wells or privy pits. Ground disturbing project activities may continue in other areas that are outside the exclusion zone as defined below.
- An "exclusion zone" where unauthorized equipment and personnel are not permitted shall be established (e.g., taped off) around the discovery area plus a reasonable buffer zone by the Contractor Foreman or authorized representative, or party who made the discovery and initiated these protocols, or if on-site at the time of discovery, by the Monitoring Archaeologist (typically 25-50 feet for single burial or archaeological find).
- The exclusion zone shall be secured (e.g., 24 hour surveillance) as directed by the City or County if considered prudent to avoid further disturbances.
- The Contractor Foreman or authorized representative, or party who made the discovery and initiated these protocols shall be responsible for immediately contacting by telephone the parties listed below to report the find and initiate the consultation process for treatment and disposition:
 - The City of Morgan Hill Community Development Director
 - The Contractor's Point(s) of Contact
 - The Coroner of the County of Santa Clara (if human remains found)

- The Native American Heritage Commission (NAHC) in Sacramento
 - The Amah Mutsun Tribal Band
-
- The Coroner has two working days to examine the remains after being notified of the discovery. If the remains are Native American the Coroner has 24 hours to notify the NAHC.
 - The NAHC is responsible for identifying and immediately notifying the Most Likely Descendant (MLD) from the Amah Mutsun Tribal Band. (Note: NAHC policy holds that the Native American Monitor will not be designated the MLD.)
 - Within 24 hours of their notification by the NAHC, the MLD will be granted permission to inspect the discovery site if they so choose.
 - Within 24 hours of their notification by the NAHC, the MLD may recommend to the City's community development director the recommended means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods. The recommendation may include the scientific removal and nondestructive or destructive analysis of human remains and items associated with Native American burials. Only those osteological analyses or DNA analyses recommended by the Amah Mutsun Tribal Band may be considered and carried out.
 - If the MLD recommendation is rejected by the City of Morgan Hill the parties will attempt to mediate the disagreement with the NAHC. If mediation fails then the remains and all associated grave offerings shall be reburied with appropriate dignity on the property in a location not subject to further subsurface disturbance.

c) *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

Less Than Significant Impact with Mitigation Incorporated. Although no paleontological resources are known to exist within the project site, the presence of unknown paleontological resources could be discovered during excavation. Ground disturbing activities associated with the future construction of single-family dwelling units and associated roadway improvements, etc. have the potential to disturb or destroy unknown paleontological resources. Implementation of Mitigation Measure CR-2 would reduce potential impacts on paleontological resources to less than significant level.

Mitigation Measures:

CR-2 If paleontological resources are encountered during subsurface construction activities, all work within 50 feet of the discovery shall be redirected until a qualified paleontologist can evaluate the finds and make recommendations. If the paleontological resources are found to be significant, they shall be avoided by project construction activities and recovered by a qualified paleontologist. Upon completion of the recovery, a paleontological assessment shall be conducted by a qualified paleontologist to determine if further monitoring for paleontological resources is required.

The assessment shall include: 1) the results of any geotechnical investigation prepared for the project site; 2) specific details of the construction plans for the project site; 3) background research; and 4) limited subsurface investigation within the project site.

If a high potential to encounter paleontological resources is confirmed, a monitoring plan of further project subsurface construction shall be prepared in conjunction with this assessment. After project subsurface construction has ended, a report documenting monitoring, methods, findings, and further

recommendations regarding paleontological resources shall be prepared and submitted to the Director of Community Development.

d) *Disturb any human remains, including those interred outside of formal cemeteries?*

Less Than Significant Impact with Mitigation Incorporated. There are no known human remains buried on the proposed project site. However, buried remains could be present and unearthed as a result of future excavation and grading activities associated with the development of residential dwelling units and associated improvements. Implementation of Mitigation Measure CR-1 would reduce potential impacts on human remains to a less than significant level.

Mitigation Measures: Refer to Mitigation Measure CR-1. No additional mitigation measures are required.

4.6 GEOLOGY AND SOILS

<i>Would the project:</i>	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
1) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				✓
2) Strong seismic ground shaking?			✓	
3) Seismic-related ground failure, including liquefaction?			✓	
4) Landslides?			✓	
b. Result in substantial soil erosion or the loss of topsoil?			✓	
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			✓	
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?			✓	
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				✓

a) ***Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:***

1) ***Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.***

No Impact. The project site is not within an Earthquake Fault Zone, as defined by the Alquist-Priolo Earthquake Fault Zoning Act and no known active or potentially active faults exist on the project site. Thus, the risk of surface faulting and consequent secondary ground failure at the project site is very low, given that ground surface displacements have historically closely followed the trace of geologically young faults and none exist on the site. No impact would occur.

Mitigation Measures: No mitigation is required.

2) Strong seismic ground shaking?

Less Than Significant Impact. While the project site is not within an Earthquake Fault Zone, as defined by the Alquist-Priolo Earthquake Fault Zoning Act and no known active or potentially active faults exist on the project site, the City of Morgan Hill is located within the larger seismically active San Francisco Bay Area region, which has several known seismically active faults. According to the Uniform Building Code's (UBC) Seismic Hazard Zone map, the entire Bay Area, including the project site, is located in Seismic Zone 4 as mapped by the California Geological Survey, which has the highest seismic risk. Therefore, even though no faults are located on the site, faults within the region could cause strong seismic ground shaking in the project site and project vicinity during a large earthquake event. However, the severity of seismic shaking at any given location depends on various factors, including earthquake magnitude, distance to the causative fault, depth to bedrock, physical characteristics of underlying soil and bedrock, and local topography. Given that the entire San Francisco Bay Area region could be subject to strong seismic ground shaking during a large earthquake event, the proposed project would not expose people or structures to any greater risks involving seismic ground shaking than would other projects located in the region.

While the potential for strong seismic ground shaking cannot be eliminated, adherence to the design requirements of the current UBC and other applicable standards and practices of earthquake resistant construction, as required by the City of Morgan Hill building permit process, would reduce such risk to the extent feasible. Future development at the project site would be constructed in accordance with the current UBC and recommendations of a design-level geotechnical investigation. The report would be reviewed by the City of Morgan Hill Building Division as a standard condition of development as part of the building permit review and issuance process. The project would be designed to reduce the risk to life or property to the extent feasible in compliance with the UBC and other applicable standards and practices required by the City. Impacts would be less than significant in this regard.

Mitigation Measures: No mitigation is required.

3) Seismic-related ground failure, including liquefaction?

Less Than Significant Impact. According to the City of Morgan Hill's Geology, Geologic, and Geological Hazards Study (1991), native soils on the project site and in the immediate project area are underlain by Old Alluvium (Qoa), which consists of poorly consolidated to well consolidated deposits of gravel, sand, silt and clay. Native soils on the project site and in the project vicinity are described as unconsolidated colluvium, valley floor alluvium, or terrace deposits on flat or nearly flat ground that may be subject to vertical displacement under seismic or static conditions. Such movement could include settlement, compaction, or liquefaction. Future development on the project site (e.g., single family dwelling units and access driveways) would implement standard engineering and seismic safety design techniques in conformance with the recommendations of project-specific design-level geotechnical investigation(s) as described above. For development within the City of Morgan Hill, the report(s) shall be reviewed and approved of by the City of Morgan Hill Building Division as a standard condition of development. Any buildings within the project site would be required to meet the requirements of applicable Building and Fire Codes, as adopted by the City of Morgan Hill, as applicable. Less than significant impacts would occur.

Mitigation Measures: No mitigation is required.

4) Landslides?

Less Than Significant Impact. Portions of the project site are characterized by relatively steep slopes (in excess of ten percent). The City of Morgan Hill's Geology, Geologic, and Geological Hazards Study (1991) indicates that these areas are relatively unstable and subject to soil creep or landslides and/or fast moving debris flows. As noted above, in response to Checklist Item 4.6(a)(3), future development on the project site would implement standard engineering and seismic safety design techniques in conformance with the recommendations of design-level geotechnical investigation(s). For development that would be annexed within the City of Morgan Hill, the report(s) shall be

reviewed and approved of by the City of Morgan Hill Building Division as a standard condition of development. The City's Building Division would determine that all geologic investigations have been performed prior to approval of final improvement plans and issuance of building permits. Furthermore, any buildings would be required to meet the requirements of applicable Building and Fire Codes, as adopted by the City of Morgan Hill, as applicable. Less than significant impacts would occur.

Mitigation Measures: No mitigation is required.

b) *Result in substantial soil erosion or the loss of topsoil?*

Less Than Significant Impact. According to the Natural Resource Conservation Service, the project site is comprised of the following soil types: Cropley Clay, 2 to 9 percent slopes; Gilroy Clay Loam, 15 to 30 percent slopes; Gilroy Clay Loam, 30 to 50 percent slopes; and Keefers Clay Loam, 2 to 9 percent slopes. The Keefers and Cropley soil map units have a moderate erosion control potential and the Gilroy soil map unit has a severe erosion potential.

Future development within the project site would involve the removal of vegetation and earth excavation for single-family dwelling units, associated infrastructure improvements, and new landscaping. There is the potential for these activities to expose soils and increase the potential for soil erosion from wind or stormwater runoff. Following project construction (during the life of the proposed project), areas disturbed by earth-moving activities would be covered with paving treatment or new surfacing or landscaped with plantings. An Erosion Control Plan would be required as a standard condition prior to issuance of a building and/or site development permit. The Erosion Control Plan would be reviewed and approved by the City of Morgan Hill Public Works Department. As part of the project's compliance with NPDES requirements, the project applicant would be required to prepare a Notice of Intent (NOI) for submittal to the Central Coast RWQCB providing notification of intent to comply with the General Construction Permit. Additionally, the project applicant is required to prepare a Stormwater Pollution Prevention Plan (SWPPP), which would be reviewed/approved by the City (or designee), for water quality construction activities on-site. A copy of the SWPPP would be made available and implemented at the construction site at all times. The SWPPP is required to outline the erosion, sediment, and non-storm water BMPs, in order to minimize the discharge of pollutants at the construction site. These BMPs would include measures to contain runoff from vehicle washing at the construction site, prevent sediment from disturbed areas from entering the storm drain system using structural controls (i.e., sand bags at inlets), and cover and contain stockpiled materials to prevent sediment and pollutant transport. Implementation of the BMPs would ensure runoff and discharges during the project's construction phase would not violate any water quality standards. Compliance with NPDES requirements and the Morgan Hill Municipal Code would reduce impacts associated with soil erosion to a less than significant level.

Mitigation Measures: No mitigation is required.

c) *Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in an on-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?*

Less Than Significant Impact. As noted above under Checklist Item 4.6(a)(3), native soils on the project site and in the immediate project area are described as unconsolidated colluvium, valley floor alluvium, or terrace deposits on flat or nearly flat ground that may be subject to settlement, compaction, or liquefaction. Compliance with the recommendations of a project-specific design-level geotechnical investigation(s) as a standard condition of development would reduce potential impacts to less than significant. Report(s) for development within the City of Morgan Hill would be required to be reviewed and approved of by the City of Morgan Hill Building Division. Less than significant impacts would occur.

Mitigation Measures: No mitigation is required.

- d) ***Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?***

Less Than Significant Impact. As noted above under Checklist Item 4.6(a)(3), native soils on the project site and in the project vicinity are underlain by Old Alluvium (Qoa), which consists of poorly consolidated to well consolidated deposits of gravel, sand, silt and clay. Thus, soil on the site has a moderate expansion potential. Expansive near-surface soil is subject to high volume changes during seasonal fluctuations in moisture content, which can cause cracking of shallow foundations, floor slabs, concrete flatwork, and pavements. Future development on the project site would be required to follow the recommendations of a project-specific design-level geotechnical investigation(s) as a standard condition of development. Development within the City of Morgan Hill would require review and approval by the City of Morgan Hill Building Division. Given that the proposed project would be required to conform to the recommendations of geotechnical report(s) and the requirements of the City of Morgan Hill, the potential risks associated with expansive soils would be reduced to less than significant levels.

Mitigation Measures: No mitigation is required.

- e) ***Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?***

No Impact. Soils occurring in the Morgan Hill area range from slightly to severely limited in their capacity to handle septic tank/leach field systems. Areas along the valley floor through the center of the City are the most suitable. However, soils within the project area are severely limited for septic systems. Any new development within the City of Morgan Hill within 300 feet of an existing sewer line would be required to connect to the City's municipal sewer system. Future development within Lot B would be located within 300 feet of an existing sewer line and would not incorporate septic tank(s) for the disposal of wastewater; but rather would connect to the municipal sewer system. Therefore, less than significant impacts would result.

Mitigation Measures: No mitigation is required.

4.7 GREENHOUSE GASES

<i>Would the project:</i>	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			✓	
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			✓	

- a) ***Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?***

Less Than Significant Impact.

Global Climate Change

California is a substantial contributor of global greenhouse gases (GHGs), emitting over 400 million tons of carbon dioxide (CO₂) per year.¹ Climate studies indicate that California is likely to see an increase of three to four degrees Fahrenheit (°F) over the next century. Methane is also an important GHG that potentially contributes to global climate change. GHGs are global in their effect, which is to increase the earth's ability to absorb heat in the atmosphere. As primary GHGs have a long lifetime in the atmosphere, accumulate over time, and are generally well-mixed, their impact on the atmosphere is mostly independent of the point of emission.

The impact of human activities on global climate change is apparent in the observational record. Air trapped by ice has been extracted from core samples taken from polar ice sheets to determine the global atmospheric variation of CO₂, methane (CH₄), and nitrous oxide (N₂O) from before the start of industrialization (approximately 1750), to over 650,000 years ago. For that period, it was found that CO₂ concentrations ranged from 180 parts per million (ppm) to 300 ppm. For the period from approximately 1750 to the present, global CO₂ concentrations increased from a pre-industrialization period concentration of 280 ppm to 379 ppm in 2005, with the 2005 value far exceeding the upper end of the pre-industrial period range.

Regulations and Significance Criteria

The Intergovernmental Panel on Climate Change (IPCC) constructed several emission trajectories of GHGs needed to stabilize global temperatures and climate change impacts. It concluded that a stabilization of GHGs at 400 to 450 ppm carbon dioxide equivalent (CO₂eq)² concentration is required to keep global mean warming below 2 degrees Celsius (°C), which in turn is assumed to be necessary to avoid dangerous climate change.

Executive Order S-3-05 was issued in June 2005, which established the following GHG emission reduction targets:

- 2010: Reduce GHG emissions to 2000 levels;
- 2020: Reduce GHG emissions to 1990 levels; and
- 2050: Reduce GHG emissions to 80 percent below 1990 levels.

¹ California Energy Commission, *California Greenhouse Gas Inventory for 2000-2011*, August, 2013.

² Carbon Dioxide Equivalent (CO₂eq) – A metric measure used to compare the emissions from various greenhouse gases based upon their global warming potential.

Assembly Bill (AB) 32 requires that the California Air Resources Board (CARB) determine what the statewide GHG emissions level was in 1990, and approve a statewide GHG emissions limit that is equivalent to that level, to be achieved by 2020. CARB has approved a 2020 emissions limit of 427 million metric tons (MMT) of CO₂eq.

Due to the nature of global climate change, it is not anticipated that any single development project would have a substantial effect on global climate change. In actuality, GHG emissions from the proposed project would combine with emissions emitted across California, the United States, and the world to cumulatively contribute to global climate change.

In June 2008, the California Governor's Office of Planning and Research (OPR) published a Technical Advisory, which provides informal guidance for public agencies as they address the issue of climate change in CEQA documents.³ This is assessed by determining whether a proposed project is consistent with or obstructs the 39 Recommended Actions identified by CARB in its Climate Change Scoping Plan which includes nine Early Action Measures (qualitative approach). The Attorney General's Mitigation Measures identify areas where GHG emissions reductions can be achieved in order to achieve the goals of AB 32. As set forth in the OPR Technical Advisory and in the proposed amendments to the CEQA Guidelines Section 15064.4, this analysis examines whether the project's GHG emissions are significant based on a qualitative and performance based standard (Proposed CEQA Guidelines Section 15064.4(a)(1) and (2)).

Under CEQA, the Bay Area Air Quality Management District (BAAQMD) is a commenting responsible agency on air quality and GHG emissions within its jurisdiction or impacting its jurisdiction. The BAAQMD's approach to developing a threshold of significance for GHG emissions is to identify the emissions level for which a project would not be expected to substantially conflict with existing California legislation adopted to reduce statewide GHG emissions needed to move us towards climate stabilization. If a project would generate GHG emissions above the threshold level, it would be considered to contribute substantially to a cumulative impact, and would be considered significant.

Stationary-source projects include land uses that would accommodate processes and equipment that emit GHG emissions and would require an Air District permit to operate. If annual emissions of operational-related GHGs exceed these levels, the proposed project would result in a cumulatively considerable contribution of GHG emissions and a cumulatively significant impact to global climate change. Table 4.7-1, Bay Area Air Quality Management District GHG Thresholds, presents the June 2010 adopted project-level thresholds for GHG emissions.

**Table 4.7-1
Bay Area Air Quality Management District GHG Thresholds**

Project Type	Construction-Related	Operational-Related
Projects other than Stationary Sources ¹	None	Compliance with Qualified Climate Action Plan OR 1,100 MTCO ₂ eq/yr OR 4.6 MTCO ₂ eq/SP ² /yr
Stationary Sources ¹	None	10,000 MTCO ₂ eq/yr
MTCO ₂ eq/yr = metric tons of carbon dioxide equivalent per year		
Notes:		
1: According to the BAAQMD CEQA Guidelines, a stationary source project is one that includes land uses that would accommodate processes and equipment that emit GHG emissions and would require a BAAQMD permit to operate. Projects other than stationary sources are land use development projects that do not require a BAAQMD permit to operate.		
2: SP = service population (residents + employees)		
Source: Bay Area Air Quality Management District, CEQA Air Quality Guidelines, May 2011.		

³ Governor's Office of Planning and Research, CEQA and Climate Change: Addressing Climate Change Through California Environmental Quality Act (CEQA) Review, 2008.

As noted in Section III, thresholds of significance adopted by BAAQMD were called into question by an order issued March 5, 2012 in California Building Industry Association vs. BAAQMD, Alameda County Court Case No. RG10548693. The order requires the BAAQMD thresholds to be subject to further environmental review. The claims made in the case concerned the CEQA impacts of adopting the thresholds (i.e., how the thresholds would affect land use development patterns) and petitioners argued that the thresholds for greenhouse gases favor residential development projects at the expense of mixed-use projects. The claims indicate that the BAAQMD thresholds are overly-conservative (i.e., overly protective of the environment). Accordingly, use of the BAAQMD thresholds will not understate the projects contribution towards global warming and represents the best scientifically based information available. It should be noted that the Court of Appeals ruled that the BAAQMD's adoption of new or revised thresholds of significance is not a 'project' under CEQA and, therefore, is not required to comply with CEQA requirements. The BAAQMD, however, provided a recommendation that lead agencies determine appropriate air quality thresholds of significance based on substantial evidence in the record. Based on substantial evidence in the record, the BAAQMD's 2011 Thresholds were utilized for the purposes of analyzing potential air quality impacts of the project.

Project Related Sources of Greenhouse Gases

Direct project-related GHG emissions include emissions from construction, area sources, and mobile sources. Future construction at the project site would result in GHG emissions. The BAAQMD has not adopted thresholds for GHGs associated with construction activities. However, future projects would be required to implement BAAQMD standard construction BMPs (refer to Mitigation Measure AQ-1), which would also reduce construction-related GHG emissions by minimizing equipment idling and ensuring that all equipment is in tune and properly maintained.

Table 4.7-2, *Estimated Greenhouse Gas Emissions*, presents the estimated CO₂, N₂O, and CH₄ emissions associated with buildout of the proposed project. The CalEEMod computer model outputs contained within the Appendix B, *Greenhouse Gas Data*, were used to calculate GHG emissions from area sources, energy consumption, mobile sources, waste generation, and water consumption. As noted in Table 4.7-2, GHG emissions from future development associated with the proposed project would be below the BAAQMD's significance threshold of 1,100 MTCO₂eq/yr. Therefore, the proposed project would result in a less than significant impact with respect to greenhouse gas emissions, either directly or indirectly.

Table 4.7-2
Estimated Greenhouse Gas Emissions

Source	CO ₂	CH ₄		N ₂ O		Total MTCO ₂ eq/yr
	MT/yr ¹	MT/yr ¹	MTCO ₂ eq/yr ²	MT/yr ¹	MTCO ₂ eq/yr ²	
Proposed Project						
• Area Source	55.39	0.05	1.10	0.00	0.88	57.37
• Energy Consumption	237.77	0.01	0.21	0.00	1.26	239.24
• Mobile Source	608.35	0.04	0.68	0.00	0.07	609.10
• Waste Generation	14.66	0.87	18.20	0.00	0.00	32.86
• Water Consumption	8.71	0.12	2.50	0.00	0.97	12.18
Total Unmitigated Emissions ³	924.88	1.09	22.90	0.00	2.97	950.75
Emissions Exceed 1,100 MTCO ₂ eq/yr Significance Threshold?						No
Notes:						
1. Emissions calculated using CalEEMod computer model.						
2. CO ₂ Equivalent values calculated using the U.S. EPA Website, <i>Greenhouse Gas Equivalencies Calculator</i> , http://www.epa.gov/cleanenergy/energy-resources/calculator.html , accessed July 2014.						
3. Totals may be slightly off due to rounding.						
Refer to Appendix B, <i>Greenhouse Gas Data</i> , for model input/output data.						

Mitigation Measures: No mitigation is required.

b) *Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*

Less Than Significant Impact. Preparation of a Climate Action Plan (CAP), which is a citywide comprehensive strategy for reducing emissions to comply with statewide climate action goals, is included in the City's current work plan. The City is committed to preparing a CAP/GHG Reduction Strategy by 2015. Future development proposals would be required to demonstrate consistency with the CAP. Therefore, the proposed project would not conflict with an adopted plan, policy, or regulation pertaining to GHGs.

The proposed project would be required to comply with Morgan Hill Municipal Code Chapter 15.65, *Sustainable Building Regulations*, which identifies sustainable building regulations that are designed to achieve the following objectives: increase energy efficiency in buildings, encourage water and resource conservation, reduce waste generated by construction projects, provide durable buildings that are efficient and economical to own and operate, promote healthy and productive indoor environments for residents, workers, and visitors to the city, and recognition and conservation of the energy embodied in existing buildings. The City of Morgan Hill also requires that all buildings conform to the energy conservation requirements of the California Administrative Code Title 24, as well as the California Green Building Standards (CALGreen) code, which includes more stringent requirements for energy and water conservation in new construction.

Mitigation Measures: No mitigation is required.

4.8 HAZARDS AND HAZARDOUS MATERIALS

<i>Would the project:</i>	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			✓	
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			✓	
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			✓	
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			✓	
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				✓
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				✓
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			✓	
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				✓

- a) ***Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?***

Less Than Significant Impact. The future construction of single-family dwelling units and associated access roads would involve minor quantities of household paints, solvents, oil and grease, and petroleum hydrocarbons. During the life of the project, single-family dwelling units would use relatively small quantities of hazardous materials, such as standard household cleaners and landscape and automotive products, etc. The proper transport, use, and disposal of such materials would not create a significant hazard to the public or the environment. Therefore, less than significant impacts would occur as a result of the proposed project.

Mitigation Measures: No mitigation is required.

- b) ***Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?***

Less Than Significant Impact. Historically, the project site and vicinity were used for agriculture. Although no documentation exists regarding the use of agricultural chemicals in association with the past agricultural use, agricultural chemicals (e.g., organochlorine pesticides and metal compounds) may have been applied to the project site soils, resulting in residual concentrations of agricultural chemicals being present in the near surface soil (i.e., one to three feet below ground surface). However, based on industry-wide experience with soil sampling and testing, residual agricultural chemicals, if present, are not typically in concentrations posing a significant human health risk or requiring clean up by a regulatory agency. This is because agricultural chemicals biodegrade over time. Given that it has been many years since agricultural chemicals would have been applied to soils at the site, the potential for agricultural chemicals to be present in site soils in concentrations posing a significant human health risk or requiring clean up by a regulatory agency is low. The project anticipates the future development of single-family dwelling units within the project site. Single-family dwelling units typically use and store minor quantities of general cleaning household, landscape, and automotive products, as well as other common household hazardous materials, which would not be expected to create a significant hazard to the public or the environment through an accidental release. Consequently, less than significant impacts would occur with regard to the potential for project activities to pose a significant human health risk or require clean up by a regulatory agency.

Mitigation Measures: No mitigation is required.

- c) ***Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?***

Less Than Significant Impact. The Paradise Valley Elementary School is located approximately one-quarter mile from the project site. Small quantities of hazardous materials, such as household cleaners, chemicals, and automotive products, would likely be used at the project site. However, the proper transport, use, and disposal of such materials would not create a significant hazard to the public or the environment. Therefore, less than significant impacts would occur as a result of the proposed project.

Mitigation Measures: No mitigation is required.

- d) ***Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?***

Less Than Significant Impact. Government Code Section 65962.5 refers specifically to a list of hazardous waste facilities compiled by the Department of Toxic Substances Control (DTSC). According to the Department of Toxic Substances Control's (DTSC) EnviroStor Database and GeoTracker Database (Cal EPA 2012), the project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

Mitigation Measures: No mitigation is required.

- e) ***For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?***

No Impact. The South County Airport is the closest airport to the project site and is located approximately 3.5 miles to the southeast. According to the 1992 Santa Clara County Airport Land Use Commission Plan (ALUCP), the

project site is not located within an airport land use plan area. In addition, the project site is not within two miles of a public airport or public use airport. Therefore, no impacts would occur as a result of the proposed project.

Mitigation Measures: No mitigation is required.

- f) ***For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?***

No Impact. Refer to Response 4.8(e). The proposed project site is not located in the vicinity of a private airstrip. Therefore, there would be no related impact.

Mitigation Measures: No mitigation is required.

- g) ***Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?***

Less Than Significant Impact. The project involves the development of 54 single family dwelling units adjacent to an existing residential area. The project may involve vacating a portion of Sunset Avenue. No residential units directly access the portions of Sunset Avenue identified to potentially be vacated. In addition, Sunset Avenue serves as an internal roadway and does not directly access emergency routes within the area. The roadways providing access outside of the residential area would remain unchanged. Thus, the nature of the proposed project would not impair the implementation of, or physically interfere with any adopted emergency response plan or emergency evacuation plan. Existing roadways located adjacent to the project site would continue to provide emergency access to the site and surrounding area. Therefore, no impacts would result.

Mitigation Measures: No mitigation is required.

- h) ***Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?***

No Impact. According to the City of Morgan Hill Wildland Urban Interface Map, the project site is located adjacent to Very High Fire Hazard Severity Zone, as established by the City. Moreover, according to the Santa Clara County Wildland Urban Interface Fire Area Map, the project site is located within a Very High Wildland Urban Interface Zone.

The City of Morgan Hill contracts with the California Department of Forestry and Fire Protection (Cal Fire) to provide fire prevention and suppression services, as well as emergency medical services. At the time of site development, the applicant(s) would be required to meet all requirements of the personnel assigned to the Fire Marshal's Office for fire protection and fire prevention which may include, but not be limited to, providing on-site fire flow, a fire hydrant, an automatic fire sprinkler system, spark arresters and appropriate driveway turnouts, and turnarounds for fire-fighting equipment.

Cal Fire identifies areas in the State that are located within Fire Hazard Severity Zones. The project site is located within a "Very High" Fire Hazard Severity Zone.¹ Morgan Hill Municipal Code Section 15.44.190 Chapter 49, *Requirements for Wildland-Urban Interface Fire Areas*, adopts with modifications the requirements for areas identified by the State as a "Fire Hazard Severity Zone". Future development within the project site would be required to comply with the Wildland-Urban Interface Fire Area Building Standards, which establish minimum standards for materials and material assemblies, hazardous vegetation and fuel management, and defensible space.

¹ CalFire, *Fire Hazard Severity Zones in State Responsibility Areas*, adopted November 7, 2007, http://frap.fire.ca.gov/webdata/maps/santa_clara/fhszs_map.43.pdf, accessed July 28, 2014.



The fire code official is authorized to provide notice to the owner of a property upon which conditions are not being met and corrective action is required. If the owner fails to correct conditions, the fire official is provided the authority to have the conditions corrected and place a lien on the property for the expense of the corrective action. Due to the requirements of the Cal Fire Office of the Fire Marshal, future development within the project site would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires and would result in a less than significant impact.

Mitigation Measures: No mitigation is required.

4.9 HYDROLOGY AND WATER QUALITY

<i>Would the project:</i>	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements?			✓	
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			✓	
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?			✓	
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			✓	
e. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?			✓	
f. Otherwise substantially degrade water quality?			✓	
g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				✓
h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				✓
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			✓	
j. Inundation by seiche, tsunami, or mudflow?				✓

a) *Violate any water quality standards or waste discharge requirements?*

Less Than Significant Impact. The discharge of stormwater is regulated primarily under the federal Clean Water Act and California's Porter-Cologne Water Quality Control Act. These regulations are implemented at the regional level by water quality control boards, which for the Morgan Hill area south of Cochrane Road is the Central Coast Regional Water Quality Control Board (RWQCB). The Central Coast RWQCB issues and enforces NPDES permits for discharges to water bodies in the portion of Santa Clara County that drains to the Monterey Bay. New construction in Morgan Hill is subject to the conditions of the City's National Pollution Discharge Elimination System (NPDES) Permit.

Short-Term Construction

Future development resulting from the proposed project and installation of infrastructure, including grading and excavation activities may result in temporary impacts to surface water quality. When disturbance to underlying soils occurs, the surface water runoff that flows across construction sites may contain sediments that would be discharged into the storm drain system.

In accordance with Morgan Hill Municipal Code Section 13.30.250, *NPDES General Permit No. CAS000002 for construction activities*, all projects disturbing one or more acres of development shall obtain coverage under the Construction General Permit Order 2009-0009-DWQ, NPDES General Permit No. CAS000002, Waste Discharge Requirements (WDRS) for Discharges of Stormwater Runoff Associated with Construction Activity (General Permit). The General Permit requires the development and implementation of a Stormwater Pollution Prevention Plan (SWPPP) (Morgan Hill Municipal Code Section 13.30.260). The SWPPP would contain a site map(s) which shows the construction site perimeter, existing and proposed buildings, lots, roadways, storm water collection and discharge points, general topography both before and after construction, and drainage patterns across the project. The SWPPP would list Best Management Practices (BMPs) the discharger would use to protect storm water runoff and the placement of those BMPs. Additionally, the SWPPP would contain: a visual monitoring program; a chemical monitoring program for “non-visible” pollutants to be implemented if there is a failure of BMPs; and a sediment monitoring plan if the site discharges directly to a water body listed on the 303(d) list for sediment. Section A of the Construction General Permit describes the elements that must be contained in a SWPPP.

Future development of the project site with 54 single-family dwelling units would be subject to the General Permit, as it would involve disturbance of more than one acre. More specifically, as part of the project’s compliance with NPDES requirements, the project applicant would be required to prepare a Notice of Intent (NOI) for submittal to the Central Coast RWQCB providing notification of intent to comply with the General Construction Permit. Additionally, the project applicant is required to prepare a SWPPP, which would be reviewed/approved by the City (or designee), for water quality construction activities on-site. A copy of the SWPPP would be made available and implemented at the construction site at all times. The SWPPP is required to outline the erosion, sediment, and non-storm water BMPs, in order to minimize the discharge of pollutants at the construction site. These BMPs would include measures to contain runoff from vehicle washing at the construction site, prevent sediment from disturbed areas from entering the storm drain system using structural controls (i.e., sand bags at inlets), and cover and contain stockpiled materials to prevent sediment and pollutant transport. Implementation of the BMPs would ensure runoff and discharges during the project’s construction phase would not violate any water quality standards. Compliance with NPDES requirements and the Morgan Hill Municipal Code would reduce short-term construction-related impacts to water quality to a less than significant level.

Long-Term Operations

Under operational conditions, the amount of impervious surfaces would increase, as well as the number of vehicles and human activity within the project site, which would increase the amount of pollution carried by runoff. Stormwater from urban uses typically include heavy metals, pesticides, herbicides, and other contaminants including grease, oil, lead, and animal waste.

The City of Morgan Hill has adopted and prepared a Storm Water Management Plan (SWMP) and been issued the NPDES Small MS4s General Permit by the Central Coast RWQCB [Order Number 2003-0005-DWQ, Waste Discharge Identification Number (WDID#) 3-43MS03020]. The City of Morgan Hill is designated by the Environmental Protection Agency (EPA) as a small MS4, meaning a smaller municipal separate storm sewer systems (small MS4) serving less than 100,000 people. Morgan Hill’s previous Small MS4 permit expired in June 2010, and the new regional permit serves as a renewal of the Small MS4 permit for Morgan Hill. The City’s SWMP outlines a comprehensive five year plan to establish Best Management Practices (BMPs) through six Minimum

Control Measures (MCMs) to help reduce the discharge of pollutants into waterways and to protect local water quality caused by storm water and urban run-off within the corporate limits of Morgan Hill.

Morgan Hill Municipal Code Chapter 18.71, *Post Construction Stormwater Pollution Prevention*, establishes minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing in watersheds in compliance with applicable provisions of the Federal Clean Water Act and NPDES Storm Water Discharge Permits issued to the City. Water quality objectives are met through adoption and implementation of BMPs in design, construction, and maintenance. The BMPs are required to be incorporated into permanent design features and remain functioning throughout the life of the development. A stormwater runoff management plan detailing how runoff and associated water quality impacts would be controlled or managed by the project's post construction BMP designs would be required prior to future development of the project site, in compliance with Municipal Code Chapter 18.71. The Stormwater Management Plan would be prepared under the direction of a professional civic engineer registered in the State of California. The Plan would be required to include sufficient information to evaluate the environmental characteristics of affected areas, the potential impacts of the proposed development on water resources, and the effectiveness and acceptability of measures proposed for managing stormwater runoff. The minimum information submitted for support of the stormwater management plan shall meet the requirements as outlined in City of Morgan Hill Stormwater Post Construction Best Management Practices Development Standards for New Development and Redevelopment manual. Compliance with NPDES requirements and the Morgan Hill Municipal Code would reduce long-term operational-related impacts to water quality to a less than significant level.

Mitigation Measures: No mitigation is required.

- b) *Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?***

Less Than Significant Impact. The Santa Clara Valley groundwater basin is managed by the Santa Clara Valley Water District (SCVWD), as authorized by the California legislature under the Santa Clara Valley Water District Act (District Act), California Water Code Appendix, Chapter 60. The SCVWD is a recognized leader in groundwater management and works toward minimizing subsidence and protecting the groundwater resources of the County. The SCVWD's objectives related to groundwater management as stated in the District Act are "to recharge the groundwater basin, conserve water, increase water supply, and prevent waste or diminution of the District's water supply." The SCVWD manages groundwater supplies through a conjunctive use program, pumping more groundwater in drier years and then replenishing and recharging the groundwater basin during wet and average years. The SCVWD augments natural recharge with a managed recharge program to offset groundwater pumping in order to sustain groundwater storage reserves and minimize the risk of land subsidence and saltwater intrusion. To ensure groundwater levels are sustained, imported surface water from the State Water Project and San Felipe Division of the Central Valley Water Project is stored and recharged via 18 reservoirs, 30 creeks, and 71 percolation ponds. Ten reservoirs with a total storage capacity of approximately 170,000 acre-feet, store runoff from local watersheds. The City of Morgan Hill supplies water to approximately 10,000 residents and businesses through 14 wells located in and adjacent to the City.

While future development within the City of Morgan Hill would not directly draw groundwater from any onsite wells, it would utilize groundwater supplied by the City's water system. During construction, the water used to spray down uncovered soil as a dust control measure may include the use of groundwater. However, this use of groundwater would be short-term and temporary in duration and would not substantially deplete groundwater supplies. During operation, the proposed residential uses would require the use of potable water, which may include groundwater, as the City identifies groundwater as a source of water supply to meet its annual demands. The proposed project would

not be expected to substantially deplete groundwater supplies, especially in light of the SCVWD's exhaustive groundwater management program and the proposed project would not negatively affect groundwater supply.

Future development of single-family dwelling units and associated roadways would increase impermeable surfaces at the project site, which could potentially affect groundwater recharge. However, according to the SCVWD's *Groundwater Management Plan*, the majority of groundwater recharge occurs in in-stream and off-stream recharge facilities that are managed by the SCVWD. The amount of impervious surface area added as a result of the project would be minimal compared to the District's groundwater recharge areas. Less than significant impacts would occur with project implementation.

Mitigation Measures: No mitigation is required.

- c) ***Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?***

Less Than Significant Impact. The proposed project would not alter the course of a stream or river; however, future development has the potential to substantially alter the existing drainage pattern of the site due to grading and construction associated with single-family dwelling units and access roads. Proposed improvements could result in on or offsite erosion or siltation. However, as noted above under Checklist Item 4.9(a), future development within the City of Morgan Hill would be required to implement BMPs for construction and post construction activities in conformance with applicable NPDES and City requirements, including the preparation of a SWPPP that would require review and approval from the Central Coast RWQCB and preparation of a Stormwater Management Plan. Compliance with these requirements would reduce erosion-related impacts to the maximum extent feasible.

Mitigation Measures: No mitigation is required.

- d) ***Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?***

Less Than Significant Impact. The proposed project would not alter the course of a stream or river, although it would increase the amount of impervious surface area on the site through the future construction of single-family dwelling units and access roads. Increasing the amount of impervious surface area on the site would increase the amount of surface runoff, as it would allow less water to infiltrate into the ground. In accordance with the City of Morgan Hill Standard Conditions of Approval, future development in the City of Morgan Hill would prepare and submit a Storm Drainage Study to the City Engineer for review and approval. The Study would include calculations to determine detention and operations and demonstrate how the runoff rate from the proposed project would be less than or equal to existing conditions. Therefore, less than significant impacts would occur as a result of the proposed project.

Mitigation Measures: No mitigation is required.

- e) ***Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?***

Less Than Significant Impact. Refer to Responses 4.8(a) and 4.8(d). As discussed above, development resulting from project implementation would not be expected to result in substantial sources of polluted runoff due to compliance with applicable City and State regulations. Thus, the proposed project is not expected to provide substantial additional sources of polluted runoff that would exceed the capacity of existing or planned stormwater drainage systems. Less than significant impacts would occur with project implementation.

Mitigation Measures: No mitigation is required.

f) *Otherwise substantially degrade water quality?*

Less Than Significant Impact. The proposed project is not anticipated to result in water quality impacts other than the potential short-term construction and long-term operational impacts identified above in Responses 4.9(a), 4.9(c), 4.9(d), and 4.9(e).

Mitigation Measures: No mitigation is required.

g) *Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?*

No Impact. According to the National Flood Insurance Program (NFIP), administered by Federal Emergency Management Agency (FEMA), the project area is within an undetermined flood area. The Flood Insurance Rate Map (FIRM) map panel that cover the project site (06085C0607H) shows the project to be located in a flood zone D, which designates areas in which flood hazards are undetermined, but possible. There are no historical occurrences of flooding in the project area. Thus, the proposed project would not place housing within a flood hazard area, less than significant impacts would occur.

Mitigation Measures: No mitigation is required.

h) *Place within a 100-year flood hazard area structures which would impede or redirect flood flows?*

No Impact. As stated above in Response 4.9(g), the project site is not located within a 100-year flood hazard area. The proposed project would not impede or redirect flood flows. Thus, no impact would occur in this regard.

Mitigation Measures: No mitigation is required.

i) *Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?*

Less Than Significant Impact. The Association of Bay Area Governments (ABAG) has compiled dam failure inundation hazard maps submitted to the State Office of Emergency Services by dam owners throughout the Bay Area. The maps for the City of Morgan Hill show the project site is located at the edge of the dam failure inundation hazard zone for Anderson Reservoir and thus, it could potentially experience some flooding. The dams in Santa Clara County are managed by the Santa Clara Valley Water District (SCVWD). The dams are continuously monitored for seepage and settling, and inspected immediately following significant earthquakes. Twice each year, the dams are inspected in the presence of representatives from the California Division of Safety of Dams and the Federal Energy Regulatory Commission. The SCVWD recently completed a seismic stability study for Anderson Dam. The seismic analysis determined that the dam may experience significant damage during an earthquake. As a result, the water level at Anderson Reservoir are being kept 25 feet below the spillway until seismic retrofits are completed by the SCVWD, which are scheduled for completion by the year 2018. Moreover, there are no historical occurrences of dam failures in Santa Clara County. As a result, the likelihood that a catastrophic dam failure would impact the site is considered less than significant.

Mitigation Measures: No mitigation is required.

j) Inundation by seiche, tsunami, or mudflow?

No Impact. A seiche is an oscillation of a body of water in an enclosed or semi-enclosed basin, such as a reservoir, harbor, lake, or storage tank. A tsunami is a great sea wave, commonly referred to as a tidal wave, produced by a significant undersea disturbance such as tectonic displacement of a sea floor associated with large, shallow earthquakes. Mudflows result from the downslope movement of soil and/or rock under the influence of gravity. Given the distance of the project site from San Francisco Bay and Anderson and Chesboro Dams, seiche waves would not be a significant threat and given the distance of the site from the Pacific Ocean, tsunami waves would not be a significant threat.

The proposed project site has areas in excess of ten percent slope. As noted above, in response to Checklist Item 4.6(a)(4), these areas are relatively unstable and subject to soil creep or landslides and/or fast moving debris flows. However, future development would be required to comply with standard engineering and seismic safety design techniques in conformance with the recommendations of project-specific design-level geotechnical investigation(s) that would be reviewed and approved by the City of Morgan Hill Building Division. Therefore, less than significant impacts would occur.

Mitigation Measures: No mitigation is required.

4.10 LAND USE AND PLANNING

<i>Would the project:</i>	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Physically divide an established community?				✓
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			✓	
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?		✓		

a) *Physically divide an established community?*

No Impact. The project site, located within unincorporated Santa Clara County area within the City's Sphere of Influence (SOI), is generally comprised of rolling annual grasslands with tree covered hillsides that are flanked by relatively level terrain, as well as one single-family residence. Uses surrounding the project consist of open space, livestock grazing, and rural residential uses, as well as Sunset Avenue to the east and West Edmundson Avenue to the south. The project site and associated uses are not part of an established community. The project proposes to expand the Morgan Hill Urban Service Area (USA) boundary to include an approximately 20-acre area (Lot B) and to pre-zone and annex the 20-acre area for development of 54 single-family dwelling units. This portion of the project site is currently located within the City's Urban Grown Boundary (UGB) and Urban Limit Line (ULL). In addition, the project proposes to pre-zone and annex an approximately 14-acre area (Lot A) and an approximately 16-acre area (Lot C), which would remain open space. The proposed residential development and open space areas would be consistent with the uses within the surrounding area. The proposed residential development would extend residential uses within this area, consistent with the residential land uses currently located directly to the east, within the City of Morgan Hill. Therefore, the proposed project would not physically divide an established community.

Mitigation Measures: No mitigation is required.

b) *Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?*

Less Than Significant Impact. CEQA requires that an EIR identify any inconsistencies between the proposed project and applicable general plans, specific plans, and regional plans [CEQA Guidelines Section 15125(d)]. Any potential significant environmental impacts (e.g., noise, air quality, etc.) associated with plan inconsistencies are analyzed in the respective subsections of the Initial Study.

City of Morgan Hill General Plan

The proposed project would be consistent with existing uses in the project vicinity and would not result in substantial land use conflicts with the surrounding residential uses in the area due to noise or visual intrusion into the City's greenbelt. In addition, as discussed herein, any future development would be required to comply with all applicable

City, County, and State regulations and policies and would implement mitigation as required, which would reduce and avoid potentially significant environmental impacts.

Land Use Designations

The *City of Morgan Hill General Plan* designates approximately 20 acres of the project site (Lot B) as Single-Family Low (1 to 3 dwelling units/acre). Development of Lot B with 54 single-family dwelling units would be consistent with the existing General Plan land use designation. The remainder of the project site (Lots A and C) is designated as Rural County and Open Space with a Hillside Overlay on the Land Use Diagram and “Non-Urban Greenbelt” on Map 6, Greenbelt Diagram. The project proposes to amend the Land Use Diagram of the *City of Morgan Hill General Plan* to designate approximately 14 acres (Lot A) and approximately 16-acres (Lot C) as Open Space with a Hillside Overlay. The proposed Open Space designation, pre-zoning, and annexation of the approximately 14 and 16-acre areas would create open space on hillside areas in excess of ten percent slope, which would be consistent with City policies regarding development on hillsides and preservation of open space. Action 2.6 of the Open Space and Conservation Element of the *City of Morgan Hill General Plan* identifies the Edmundson/DeWitt/Sunset area, which comprises a portion of the project site, as a high priority area for Greenbelt preservation. Thus, the proposed amendment to the land use designations for Lots A and C would be consistent with the overall intent of the General Plan to preserve these areas.

General Plan Goals, Policies and Actions

The goals, policies, and actions contained in each element of the General Plan together frame a mechanism for achieving the community’s vision for its future. Each goal identifies a physical, economic, and/or social end that the community wished to achieve. A number of policies establish basic courses of action to achieve community goals. An action is described to carry out the policies.

The following are goals, policies, and actions relevant to the project:

Community Development Element

Urban Growth Boundary

- Goal 3. A long-term Urban Growth Boundary and Urban Limit Line around the City
- Policy 3b. Allow Urban Service Area expansions only within the long-term Urban Growth Boundary and for lands with urban designations; the timing and extent of Urban Service Area expansion shall remain consistent with established Urban Service Area expansion policies and ordinances.
- Policy 3d. Establish and maintain an Urban Limit Line around the City to serve as a longer term version of the Urban Growth Boundary and define the inner limits of potential greenbelt areas.
- Policy 3e. The Urban Limit Line should be continuous around the City and located outside of or coterminous with the City limits and Urban Growth Boundary. Greenbelt areas should be located outside of the ULL. The ULL may be located within City limits so that parks or other City-designated open space land at the fringe of the community may be included within the Greenbelt.

The Urban Growth Boundary (UGB) is defined in the General Plan as:

“An officially adopted and mapped line dividing land to be developed from land to be protected for natural or rural uses, including agriculture. UGBs are regulatory tools, often designated for 20 or more years to provide greater certainty for both development and conservation goals.”

The Oak Meadow Plaza project is consistent with Policy 3b, 3d and 3e; the portion of the project that is proposed for residential development is located within the UGB and ULL, and the proposed Urban Service Area (USA) expansion is consistent with the established USA expansion policies and ordinances. The project area that is outside of the UGB and ULL will have development restrictions that will limit the location and intensity of future development to be consistent with the surrounding development located in the County.

Goal 4. Efficient and appropriate development of land within the UGB

Policy 4a. Support the County's policy to avoid land uses and development in the unincorporated areas which would potentially conflict with future annexation and the optimal utilization of lands within the UGB. Also encourage the County to retain large minimum parcel sizes, and promote agricultural and open space uses on unincorporated lands.

The Oak Meadow Plaza project allows for the expansion of the USA to be consistent with the UGB and ULL on the project site. The project furthers Goal 4 and Policy 4a by granting an open space easement to the City of Morgan Hill that limits future development on the 30.77 acres adjacent to the UGB.

Goal 5. Preservation of agricultural and open space uses on unincorporated lands outside the UGB

Policy 5a. Promote the maintenance of current County General Plan policies encouraging low density uses, including large lots and agriculture, for County projects adjacent to the UGB.

Policy 5b. Retain current Rural County and Open Space land use designations in the City's General Plan, applicable to rural unincorporated lands outside the UGB.

The Oak Meadow Plaza project is consistent with Goal 5, Policy 5a and 5b since it proposes to maintain Rural County and/or Open Space designations for all of the project area that is outside of the UGB. In addition, the project would be conditioned to include a Development Agreement that would provide open space easements over steeper portions of the project site (over 10% slope), and limit future development areas.

Neighborhoods

Policy 8d. Complete street connections between neighborhoods to promote efficient circulation and emergency service response time.

The Oak Meadow Plaza project is consistent with Policy 8d since it proposes access from the existing Denali Drive and Bryce Drive.

Open Space and Conservation Element (Policies and Actions regarding Creation of the Greenbelt)

Policy 2c. Protect views of hillsides, ridgelines and prominent natural features surrounding the City. These features help define the City's historic rural character, sense of place, image and identity.

Action 2.6. The highest priority areas for Greenbelt preservation include the east side of El Toro, the Edmundson/DeWitt/Sunset area, and the foothills on the eastern side of the valley north of Dunne Ave.

(Policies and Actions regarding uses within the Greenbelt)

Policy 2p. Within Greenbelt areas, parks, and other designated open spaces, scenic/open space easements, golf courses, low intensity public facilities involving minimal permanent improvements and agricultural

activities are appropriate uses. Existing residential may remain and new residential uses should be located and designed to have minimal visual and other environmental impacts.

Action 2.17. Within City Hillside Greenbelt areas, new development should be subject to a site and design review process that encourages minimizing environmental impacts including the amount of grading and encouraging location of structures in areas where they are least visible from the valley floor.

Action 2.18. The basic Santa Clara County development review process should be evaluated, updated and strengthened to achieve greater restrictions on the visibility, from the valley floor and major transportation corridors, of structures in the hillside Greenbelt areas. This updated review process should result in a minimal review process for structures that are not visible from the valley floor and major transportation corridors and an extensive review process for structures that are visible.

The proposed project is consistent with Policy 2c and 2p and Actions 2.6, 2.17 and 2.18. These policies and actions all seek to promote the protection of hillsides and limit the development within the greenbelt and hillside areas in and around the City.

Proposed Text Amendments

The project applicant has committed to record open space easements over portions of the project with slopes in excess of 10 percent. These commitments would be formalized in a project Development Agreement. The details of the Development Agreement require an amendment to General Plan Action 7.5 of the Community Development Element of the General Plan. General Plan Action 7.5 is proposed to be amended, as follows:

“Action 7.5. Enter into an agreement with the owners of the 118 acres of land in the area generally bound by Sunset, West Edmundson, and DeWitt, which would provide for the following:

- a) Recordation of an open space easement generally over the property which fronts on West Edmundson Avenue and is in excess of 10 percent slope.
- b) Recordation of an open space easement generally over the property which fronts DeWitt Avenue and is in excess of 10 percent slope.
- c) Recordation of open space easements over the 14-acre property easterly of the City reservoir and the 16-acre area south of the reservoir.
- d) Recordation of open space easements which are approximately 80 acres of the property (primarily located outside the City) prohibiting any further development of that area.”

With the approval of the General Plan text amendment, the proposed project would not conflict with the General Plan. Impacts would be less than significant in this regard.

City of Morgan Hill Zoning Ordinance

The project site is located within unincorporated Santa Clara County. The project proposes to pre-zone the project site for annexation within the City. More specifically, Lots A and C are proposed to be pre-zoned as Open Space (OS) and Lot B is proposed to be pre-zoned R1 (12,000) with a Planned Development (PD) Overlay. The OS district is intended to preserve and enhance the use of open space lands as a limited and valuable resource. The project does not propose any development within Lots A and C, which would be consistent with the OS district.

The R-1 districts are intended to promote and encourage a suitable environment for family life on medium size parcels of land. The R-1 single-family low density districts are to be used only for suburban single-family dwellings, community services, and associated facilities. The PD overlay district allows for variations from the development standards identified for a specific district. Variations can include but are not limited to permitted or conditional uses

(consistent with the General Plan designation on the site), lot sizes, lot coverage, setback requirements, parking, building height, and density bonuses when upon approval of the city council, the proposed development will provide substantial conformance with the base district regulations and other provisions related to the public health, safety and general welfare for residential, mixed use, commercial or industrial purposes.

In order to establish a PD overlay, the following findings are required, as stated in Morgan Hill Municipal Code Section 18.30.050, *Planned Development – Review and Approval*:

- The development of the subject property, with the uses and in the manner proposed by the applicant, will not be detrimental to the public welfare, will be in the best interests of the city, and will be in keeping with the general intent and spirit of the zoning regulations of the city of Morgan Hill, with the Morgan Hill General Plan, and with any applicable plans adopted by the city.
- That the plan for the proposed development presents a unified and organized arrangement of buildings and/or service facilities which are appropriate in relation to adjacent or nearby properties, and that adequate landscaping and/or screening is included if necessary to insure compatibility.
- Any exception from standard ordinance requirements is warranted by the provision of affordable housing, senior housing, overall quality of design and/or the incorporation of amenities within the general development plan, in accord with adopted policy of the Planning Commission and the City Council.

The project anticipates the development of 54 single-family dwelling units on Lot B, which would be consistent with the R-1 12,000 district with PD overlay.

All buildings, sites and landscape areas are subject to the City's design review process. The future residential development would be required to obtain approval of a design permit. In order for receive approval of a design permit, the following findings are required, as stated in Morgan Hill Municipal Code Section 18.74.050, *Design Permits – Findings for Approval*:

- That the proposed construction/alterations are in substantial conformance with the General Plan, zoning ordinance, and any applicable plans adopted by the city.
- The proposed construction/alteration is in substantial conformance with all applicable design standards and guidelines, as contained in the Design Review Handbook.
- The construction/alteration will not have significant adverse effects on the public health, safety and welfare.

With approval of the design permit, the proposed project would not conflict with the City's Zoning Ordinance. Impacts would be less than significant.

Local Agency Formation Commission

The proposed expansion of the USA boundary to include the approximately 20-acre Sunset Property (Lot B) and annexation outside the USA boundary of the approximately 14 and 16 acre Open Space areas would be required to undergo review by the Santa Clara County Local Agency Formation Commission (LAFCO). Santa Clara County LAFCO has adopted policies to guide the agency in its decision making process. Specifically, Annexation/Reorganization Policy 1 policy states that LAFCO will strongly discourage city annexations of lands outside of the USA until inclusion into the USA is appropriate. However, LAFCO recognizes that in some circumstances, city annexations outside of the USA will help promote preservation of agriculture, open space, and/or greenbelts. Such cases will be considered on their merits on a case-by-case basis. LAFCO will reconsider allowances of exceptions if it appears a pattern of such requests is developing. The proposed project includes

annexation of Lots A and C, which are located outside of the City's USA boundary. These parcels would be designated and pre-zoned as Open Space and open space easements would be recorded over both lots. Therefore, annexation of Lots A and C outside the USA boundary could be considered consistent with the LAFCO policy as it would preserve several parcels as open space within the City's greenbelt. However, annexation of Lot C as currently configured would also be inconsistent with LAFCO policies because it would create an unincorporated peninsula for APNs 767-49-003 and 767-49-046.

Mitigation Measures: No mitigation is required.

c) ***Conflict with any applicable habitat conservation plan or natural community conservation plan?***

Less Than Significant Impact With Mitigation Incorporated. Refer to Checklist Item 4.4(f).

Mitigation Measures: Refer to Mitigation Measure BIO-1. No additional mitigation measures are required.

4.11 MINERAL RESOURCES

<i>Would the project:</i>	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?			✓	
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?			✓	

- a) ***Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?***

Less Than Significant Impact. Development on the project site would not result in the loss of availability of a known mineral resource, and no mineral excavation sites are present on or adjacent to the project site. The proposed project, therefore, would not result in significant adverse impacts to mineral resources.

Mitigation Measures: No mitigation is required.

- b) ***Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?***

Less Than Significant Impact. Refer to Response 4.11(a), above.

Mitigation Measures: No mitigation is required.



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4.12 NOISE

<i>Would the project:</i>	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?		✓		
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			✓	
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			✓	
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			✓	
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				✓
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				✓

Sound is mechanical energy transmitted by pressure waves in a compressible medium such as air, and is characterized by both its amplitude and frequency (or pitch). The human ear does not hear all frequencies equally. In particular, the ear deemphasizes low and very high frequencies. To better approximate the sensitivity of human hearing, the A-weighted decibel scale (dBA) has been developed. On this scale, the human range of hearing extends from approximately three dBA to around 140 dBA.

Noise is generally defined as unwanted or excessive sound, which can vary in intensity by over one million times within the range of human hearing; therefore, a logarithmic scale, known as the decibel scale (dB), is used to quantify sound intensity. Noise can be generated by a number of sources, including mobile sources such as automobiles, trucks, and airplanes, and stationary sources such as construction sites, machinery, and industrial operations. Noise generated by mobile sources typically attenuates (is reduced) at a rate between three dBA and 4.5 dBA per doubling of distance. The rate depends on the ground surface and the number or type of objects between the noise source and the receiver. Hard and flat surfaces, such as concrete or asphalt, have an attenuation rate of three dBA per doubling of distance. Soft surfaces, such as uneven or vegetated terrain, have an attenuation rate of about 4.5 dBA per doubling of distance. Noise generated by stationary sources typically attenuates at a rate between 6 dBA and about 7.5 dBA per doubling of distance.

There are a number of metrics used to characterize community noise exposure, which fluctuate constantly over time. One such metric, the equivalent sound level (L_{eq}), represents a constant sound that, over the specified period, has the same sound energy as the time-varying sound. Noise exposure over a longer period of time is often evaluated based on the Day-Night Sound Level (L_{dn}). This is a measure of 24-hour noise levels that incorporates a 10-dBA penalty for sounds occurring between 10:00 p.m. and 7:00 a.m. The penalty is intended to reflect the increased human sensitivity to noises occurring during nighttime hours, particularly at times when people are sleeping and there are lower ambient noise conditions. Typical L_{dn} noise levels for light and medium density residential areas range from 55 dBA to 65 dBA.

Two of the primary factors that reduce levels of environmental sounds are increasing the distance between the sound source to the receiver and having intervening obstacles such as walls, buildings, or terrain features between the sound source and the receiver. Factors that act to increase the loudness of environmental sounds include moving the sound source closer to the receiver, sound enhancements caused by reflections, and focusing caused by various meteorological conditions.

STATE OF CALIFORNIA

The State Office of Planning and Research Noise Element Guidelines include recommended exterior and interior noise level standards for local jurisdictions to identify and prevent the creation of incompatible land uses due to noise. The Noise Element Guidelines contain a land use compatibility table that describes the compatibility of various land uses with a range of environmental noise levels in terms of the Community Noise Equivalent Level (CNEL).

CITY OF MORGAN HILL

The *City of Morgan Hill General Plan* noise level standards state that the normally acceptable interior noise levels for residential use is 45 dBA L_{dn} . Table 4.12-1, *City of Morgan Hill Land Use Compatibility*, shows the land use compatibility matrix for exterior community noise environments in the City. Noise levels that are at or below 60 dBA are normally acceptable with regards to single-family residential uses. Noise levels that are up to 70 dBA may be compatible with single-family residential uses, but sound barriers and insulation improvements would be required to reduce noise levels. Any noise level above 75 dBA is generally incompatible with the City's standards for single-family residential uses.

Table 4.12-1
City of Morgan Hill Land Use Compatibility

Land Use Category	Community Noise Exposure (L_{dn} or CNEL, dBA)			
	Normally Acceptable	Conditionally Acceptable	Normally Unacceptable	Clearly Unacceptable
Residential - Low Density, Single-Family, Duplex, Mobile Homes	50 - 60	55 - 70	70-75	75-85
Residential - Multiple Family	50 - 65	60 - 70	70 - 75	70 - 85
Transient Lodging - Motel, Hotels	50 - 65	60 - 70	70 - 80	80 - 85
Schools, Libraries, Churches, Hospitals, Nursing Homes	50 - 70	60 - 70	70 - 80	80 - 85
Auditoriums, Concert Halls, Amphitheaters	NA	50 - 70	NA	65 - 85
Sports Arenas, Outdoor Spectator Sports	NA	50 - 75	NA	70 - 85
Playgrounds, Neighborhood Parks	50 - 70	NA	67.5 - 75	72.5 - 85
Golf Courses, Riding Stables, Water Recreation, Cemeteries	50 - 70	NA	70 - 80	80 - 85
Office Buildings, Business Commercial and Professional	50 - 70	67.5 - 77.5	75 - 85	NA
Industrial, Manufacturing, Utilities, Agriculture	50 - 75	70 - 80	75 - 85	NA
NA: Not Applicable				
Source: Office of Planning and Research, California, General Plan Guidelines, October 2003.				
Normally Acceptable – Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.				
Conditionally Acceptable – New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning, will normally suffice.				
Normally Unacceptable – New construction or development should be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.				
Clearly Unacceptable – New construction or development should generally not be undertaken.				

The primary sources of noise at the project site are traffic along Edmundson Avenue and De Witt Avenue. Uses in the project vicinity consist of residential uses and vacant land, which typically do not generate substantial amounts of noise.

Because the proposed project would result in the development of single-family residential housing and open space, it would not expose people to substantial noise beyond existing conditions. The proposed project is not anticipated to expose people to noise levels in excess of standards established in the General Plan or noise ordinance. Refer to Checklist Item 4.12(c) below, for a discussion of the projected increase in noise associated with project traffic.

EXISTING STATIONARY SOURCES

The project area consists of residential uses and open space areas. The primary sources of stationary noise in the project vicinity are residential and rural-related activities. The noise associated with these sources may represent a single-event noise occurrence, short-term or long-term/continuous noise.

NOISE MEASUREMENTS

In order to quantify existing ambient noise levels in the project area, RBF Consulting conducted two noise measurements on July 8, 2014; refer to Table 4.12-2, *Noise Measurements*. The noise measurement sites were representative of typical existing noise exposure immediately adjacent to the project site. Ten-minute measurements were taken, between 2:30 p.m. and 3:30 p.m., during the day. Short-term (L_{eq}) measurements are considered representative of the noise levels throughout the day.

**Table 4.12-2
Noise Measurements**

Site No.	Location	L_{eq} (dBA)	L_{min} (dBA)	L_{max} (dBA)	Peak (dBA)	Time
1	Dale Hollow Court cul-de-sac, north of the project site.	54.6	34.5	75.6	97.3	2:38 p.m.
2	Waterton Court, east of the project site	58.2	36.6	79.8	97.5	2:57 p.m.
3	Cascades Court, east of the project site	48.4	36.9	68.1	92.8	3:14 p.m.
Source: RBF Consulting, July 8, 2014.						

Meteorological conditions were clear skies, warm temperatures, with light wind speeds (0 to 5 miles per hour), and low humidity. Measured noise levels during the daytime measurements were 48.4 and 58.2 dBA L_{eq} . Noise monitoring equipment used for the ambient noise survey consisted of a Brüel & Kjær Hand-held Analyzer Type 2250 equipped with a Type 4189 pre-polarized microphone. The monitoring equipment complies with applicable requirements of the American National Standards Institute (ANSI) for Type I (precision) sound level meters. The results of the field measurements are included in Appendix D, Noise Data.

- a) ***Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?***

Less Than Significant Impact With Mitigation Incorporated.

Short-Term Construction Noise Impacts

The proposed project would facilitate the future construction of residential uses at the project site. Ground-borne noise and other types of construction-related noise impacts would typically occur during the initial site preparation. This phase of construction has the potential to create the highest levels of noise; however, it is generally the shortest

of all construction phases. Noise levels generated by construction equipment are shown in Table 4.12-3, *Maximum Noise Levels Generated by Construction Equipment*. Operating cycles for these types of construction equipment may involve one or two minutes of full power operation followed by three to four minutes at lower power settings. Other primary sources of acoustical disturbance would be due to random incidents, which would last less than one minute (such as dropping large pieces of equipment or the hydraulic movement of machinery lifts).

Table 4.12-3
Maximum Noise Levels Generated by Construction Equipment

Type of Equipment	Acoustical Use Factor ¹	Lmax at 50 Feet (dBA)
Concrete Saw	20	90
Crane	16	81
Concrete Mixer Truck	40	79
Backhoe	40	78
Dozer	40	82
Forklift	40	78
Paver	50	77
Roller	20	80
Tractor	40	84
General Industrial Equipment	50	85
Note: 1. Acoustical Use Factor (percent): Estimates the fraction of time each piece of construction equipment is operating at full power (i.e., its loudest condition) during a construction operation. Source: Federal Highway Administration, <i>Roadway Construction Noise Model (FHWA-HEP-05-054)</i> , January 2006.		

The nearest sensitive receptors are located adjacent the project site to the east. Therefore, construction noise associated with the proposed project could expose surrounding uses to elevated noise levels during construction. However, Morgan Hill Municipal Code, Section 8.28.040, *Enumeration of Unlawful Noises*, states that construction activities are permitted between the hours of 7:00 a.m. and 8:00 p.m., Monday through Friday, and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays. Construction activities are prohibited on Sundays and Federal holidays. Future development would be required to restrict construction hours to those stipulated in the City's Municipal Code. Implementation of Mitigation Measure NOI-1 would further reduce construction noise associated with future development within the project site to less than significant levels. Therefore, a less than significant impact would occur in this regard.

Refer to Response 4.12 (c) for a discussion of the proposed project's long-term operational noise impacts.

Mitigation Measures:

- NOI-1 Prior to any Grading Permit issuance, the owner or designee shall demonstrate, to the satisfaction of the Morgan Hill Community Development Department that the project complies with the following:
- All construction equipment shall be equipped with mufflers and sound control devices (e.g., intake silencers and noise shrouds) no less effective than those provided on the original equipment and no equipment shall have an unmuffled exhaust.
 - The City shall require that the contractor maintain and tune-up all construction equipment to minimize noise emissions.
 - Stationary equipment shall be placed so as to maintain the greatest possible distance to the sensitive use structures.

- All equipment servicing shall be performed so as to maintain the greatest possible distance to the sensitive use structures.
- Trucks shall utilize a route that is least disruptive to sensitive receptors, preferably major roadways, during any necessary off-site import/export of fill material during construction.

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

Less Than Significant Impact. Construction can generate varying degrees of ground-borne vibration, depending on the construction procedure and the construction equipment used. Operation of construction equipment generates vibrations that spread through the ground and diminish in amplitude with distance from the source. The effect on buildings located in the vicinity of the construction site often varies depending on soil type, ground strata, and construction characteristics of the receiver building(s). The results from vibration can range from no perceptible effects at the lowest vibration levels, to low rumbling sounds and perceptible vibration at moderate levels, to slight damage at the highest levels. Ground-borne vibrations from construction activities rarely reach levels that damage structures.

The City has not adopted policies or guidelines relative to ground-borne vibration. However, the Federal Transit Administration has adopted guidelines/recommendations to limit ground-borne vibration based on the age and/or condition of the structures that are located in close proximity to construction activity. As described in the Federal Transit Administration publication titled, *Transit Noise and Vibration Impacts Assessment* (May 2006), a ground-borne vibration level of 0.2 inch-per-second peak particle velocity (PPV) should be considered as the damage threshold criterion for “non-engineered timber and masonry buildings,” which include typical single-family residences, and a ground-borne vibration level of 0.12 inch-per-second PPV should be considered as the damage criterion for structures deemed “extremely fragile,” such as historic buildings. With respect to structures that are considered “well engineered,” a ground-borne vibration level of 2.0 inch-per-second PPV should be considered as the damage threshold criterion. The project area is located in a residential area. Thus, the analysis assumes a threshold of 0.2 inch-per-second PPV.

The Federal Transit Administration has also published standard vibration velocities for construction equipment operations. The peak particle velocities for construction equipment anticipated to be used during future construction in the project area are listed in Table 4.12-4, Typical Vibration Levels for Construction Equipment.

**Table 4.12-4
Typical Vibration Levels for Construction Equipment**

Equipment	Approximate peak particle velocity at 25 feet (inches/second) ¹	Approximate peak particle velocity at 75 feet (inches/second) ²
Large bulldozer	0.089	0.017
Loaded trucks	0.076	0.015
Small bulldozer	0.003	0.001
Notes: 1. Federal Transit Administration, <i>Transit Noise and Vibration Impact Assessment Guidelines</i> , May 2006. Table 12-2. 2. Calculated using the following formula: $PPV_{equip} = PPV_{ref} \times (25/D)^{1.5}$ where: PPV (equip) = the peak particle velocity in in/sec of the equipment adjusted for the distance PPV (ref) = the reference vibration level in in/sec from Table 12-2 of the FTA <i>Transit Noise and Vibration Impact Assessment Guidelines</i> D = the distance from the equipment to the receiver		

As indicated in Table 4.12-4, based on the Federal Transit Administration data, vibration velocities from typical heavy construction equipment operations that could be used during future development would range from 0.003 to 0.089 inch-per-second PPV at 25 feet from the source of activity. At 75 feet from the source of activity, vibration velocities range from 0.001 to 0.017 inch-per-second PPV. Construction equipment utilized in construction activities would not be produce vibration velocities greater than 0.2 inch-per-second PPV. Therefore, vibration impacts would be less than significant.

Mitigation Measures: No mitigation is required.

- c) ***A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?***

Less Than Significant Impact.

Mobile Noise Impacts

The proposed project would allow for the future development of approximately 54 single-family dwelling units, which would generate approximately 650 daily trips to the project site.¹ Traffic typically must double in order to result in a three dBA noise level increase. In comparison to existing conditions, the greatest increase in traffic volumes would occur on Denali Drive and Bryce Drive. On Denali Drive, traffic would increase from 10 to 35 vehicle trips during the AM peak hour and from four vehicles to 36 vehicles during the PM peak hour (approximately one car every two minutes). Bryce Drive is expected to increase from four vehicles to 30 vehicles during the AM peak hour and from five vehicles to 36 vehicles in the PM peak hour (approximately two cars a minute). The traffic generated by the future residential development would more than double traffic volumes on these roadways during the AM and PM peak hours. However, as future traffic volumes are relatively low, the increase would not result in traffic noise levels that exceed land use compatibility standards. Additionally, according to Map 8, Future Noise Contours, in the *City of Morgan Hill General Plan*, the project site is located in an area that experiences traffic that are generally less than 60 dBA, which is considered a normally acceptable exterior noise level with regards to single-family residential uses. Traffic associated with the proposed project would not result in noise levels that would be measurable or perceptible compared to existing conditions based on the existing noise levels. Therefore, a less than significant impact would occur.

Stationary Noise Impacts

Stationary noise associated with operational activities of future on-site uses is typically generated by children playing, pets, amplified music, mechanical equipment, and home repair. The project would allow for the future development of approximately 54 single-family dwelling units adjacent to an existing residential development. Noise from residential stationary sources would be typical of surrounding residential uses in the project area and would primarily occur during the “daytime” activity hours. Noise impacts to surrounding uses from residential uses associated with future development that would occur under the proposed project would not conflict with City noise standards and are anticipated to be less than significant.

Mitigation Measures: No mitigation is required.

- d) ***Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above the levels existing without the project?***

Less Than Significant Impact. Refer to Responses 4.12(a) and 4.12(b), above. Construction activities would result in temporary and periodic noise increases above ambient noise levels. However, construction noise would be short-

¹ RBF Consulting, *Oak Meadow Plaza Traffic Impact Analysis*, August 2012.

term in nature and would cease upon completion of the proposed improvements. Although construction noise is permitted during certain hours by the Morgan Hill Municipal Code, incorporation of Mitigation Measure NOI-1 would ensure construction noise levels do not result in a substantial temporary increase in noise levels.

Mitigation Measures: No mitigation is required.

- e) ***For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?***

No Impact. The South County Airport is the closest airport to the project site and is located approximately 3.5 miles to the southeast. The project site is not located within the South County Airport land use plan area.² Thus, there would be no related impact.

Mitigation Measures: No mitigation is required.

- f) ***For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?***

No Impact. The project site is not located within the vicinity of a private airstrip. Therefore, no impacts would occur related to noise from a private airstrip.

Mitigation Measures: No mitigation is required.

² Santa Clara County, *Comprehensive Land Use Plan, Santa Clara County, South County Airport*, November 2008.



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4.13 POPULATION AND HOUSING

<i>Would the project:</i>	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			✓	
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				✓
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				✓

- a) ***Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?***

Less Than Significant Impact. According to the California Department of Finance (January 1, 2014), the population of Morgan Hill is 41,197 persons with an average of 3.13 persons per household, and the population of Santa Clara County is 1,868,558 persons (1,781,295 incorporated, 87,263 unincorporated) with 2.98 persons per household.¹

As part of the General Plan, residential development within the City of Morgan Hill is controlled by the Residential Development Control System (RDCS). By approving Measure C in 2004 and Measure F in 2006, Morgan Hill voters extended the City's RDCS to 2020. The rate of population growth in the City of Morgan Hill is controlled by the City's RDCS which limits new residences in the City to approximately 250 units per year and establishes a population ceiling for the City of 48,000 as of January 1, 2020. The RDCS process ensures that residential growth throughout the City is consistent with available capacity at public facilities (i.e., schools, parks, roadways, utilities, etc.). The proposed project would not alter the annual allotted population.

The proposed project would enable the future development of 54 single-family dwelling units within the City of Morgan Hill. With an average of 3.13 persons per household, the addition of 54 single-family dwelling units within the City of Morgan Hill could add up to 169 people to the City. The potential population increase as a result of project implementation is relatively low and within the growth projections identified by the City's RDCS. In addition, the project would have to compete with other projects for residential unit allocations which would pace the development of the project. Thus, the proposed project would not induce substantial population growth. Therefore, the proposed project would not result in significant population or housing impacts.

Mitigation Measures: No mitigation is required.

¹ State of California, Department of Finance, *E-5 Population and Housing Estimates for Cities, Counties and the State — January 1, 2011- 2014*. Sacramento, California, May 2014.

- b) ***Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?***

No Impact. Implementation of the proposed project would not displace existing housing. Therefore, no impacts would occur as a result of the proposed project.

Mitigation Measures: No mitigation is required.

- c) ***Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?***

No Impact. Refer to Response 4.13(b).

Mitigation Measures: No mitigation is required.

4.14 PUBLIC SERVICES

<i>Would the project:</i>	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
1) Fire protection?			✓	
2) Police protection?			✓	
3) Schools?			✓	
4) Parks?			✓	
5) Other public facilities?				✓

a) ***Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:***

1) ***Fire protection?***

Less Than Significant Impact. The City of Morgan Hill contracts for fire and emergency medical services with the California Department of Forestry and Fire Protection (Cal Fire). The City is also served under a mutual aid agreement by the Santa Clara County Fire Department (SCCFD). The proposed project site is located within an area that is currently served by Cal Fire. The emergency response time goal of Cal Fire is to respond to the scene of an emergency within eight minutes.

The City of Morgan Hill is served by the following two County fire stations: 1) El Toro Fire Station, located at 18300 Old Monterey Road (approximately two and a half miles to three miles north of the project site); and, 2) Dunne Hill Fire Station, located at 2100 East Dunne Avenue (approximately three to four miles northeast of the project site). The Cal Fire Station is located at 15670 South Monterey Road (approximately one to two miles southwest of the project site).

The SCCFD and Cal Fire currently provide services to project site, as well as to the existing rural residential uses within the project vicinity. Since the proposed project site is already served by the SCCFD and Cal Fire, it is anticipated that the SCCFD or Cal Fire would respond to an emergency call at the project site within the response time goal of eight minutes. In addition, the proposed project would be required to comply with the Municipal Fire Code and all building design standards of Cal Fire. Future development of residential uses on the project site would incrementally increase the demand for fire services beyond existing conditions, but is not expected to require construction or expansion of fire facilities. Therefore, the proposed project would have a less than significant impact to fire services.

Mitigation Measures: No mitigation is required.

2) Police protection?

Less Than Significant Impact. Police service would be provided to the site by the City of Morgan Hill Police Department. The City of Morgan Hill Police Department employs 37 sworn officers, which is approximately one officer per 1,100 residents. Future development of residential uses on the project site would incrementally increase the demand for police services beyond existing conditions, but is not expected to require construction or expansion of police facilities. Therefore, the proposed project would have a less than significant impact to police protection services.

Mitigation Measures: No mitigation is required.

3) Schools?

Less Than Significant Impact. The project site is located within the Morgan Hill Unified School District (District). The District is comprised of 14 schools, which include nine elementary schools, two middle schools, two high schools, one continuation high school, and a community adult school, as well as a home schooling program. The nearest elementary school to the project site is Paradise Elementary School located at 1400 LaCrosse Drive, approximately half a mile south of the project site. The nearest middle school to the project site is Lewis H. Britton Middle School located at 80 West Central Avenue, roughly 1.5 miles north of the project site. The nearest high school to the project site is the Live Oak High School located approximately four miles northeast of the project site.

Future residential development on the project site would increase the student population and would, therefore, increase demand on local schools. However, the proposed project would not result in the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts. Future development within the project site would be required to comply with the school impact fee requirements of the Morgan Hill Unified School District. Pursuant to Section 65995(3)(h) of the California Government Code (SB 50), "the payment of statutory fees is deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use or development of real property..." Therefore, with payment of statutory fees, impacts to schools in the District would be considered less than significant.

Mitigation Measures: No mitigation is required.

4) Parks?

Less Than Significant Impact. The City of Morgan Hill currently owns approximately 200 acres of parkland, including two community parks, five neighborhood parks, two neighborhood/school parks, and 15 mini parks, in addition to its public trail system and open space. The City also owns special use recreational facilities. These facilities include the Morgan Hill Aquatics Center, Centennial Recreation Center, Community and Cultural Center, the 40-acre Regional Outdoor Sports Center, and a skateboard/BMX park. School facilities are also available for use after school hours and on weekends. These facilities include 12 baseball/softball fields, nine soccer fields, two football fields, two tracks, and four swimming pools. The closest parks and recreational facilities to the project site include the Edmundson Avenue Community Park, the 21 Mile Park, the Skate/BMX Park, and the Centennial Recreation Center.

Residents in the City also utilize County and State parks including Silveira Park at the southern end of the City, the Coyote Creek park chain to the north, and Henry Coe State Park to the east.

The *City of Morgan Hill General Plan* has a parks and recreation goal to provide useful, accessible and high-quality park, recreation and trail facilities programs. Morgan Hill's recommended standard for parkland is five acres per 1,000 population. The City's current population is approximately 41,197; therefore, the approximately 150 acres of public parks currently owned by the City exceeds the five acres of parkland per 1,000 population standard.

The proposed project would allow the future development of 54 single-family dwelling units in the City of Morgan Hill. The average number of persons per household is 3.13. Consequently, future residential development within the City could generate up to 169 residents. Using the City's parkland goal of five acres per 1,000 residents, the future residential development project would need to provide approximately 0.845 acres of public parkland.

The City of Morgan Hill has adopted a parkland dedication/park land in-lieu fee ordinance (Municipal Code Chapter 17.28) that requires parkland dedication or in-lieu fees for residential developments. This ordinance requires residential developers to dedicate public parkland or pay in-lieu fees, or both, to offset the demand for neighborhood parkland created by their housing developments. The acreage of parkland or amount of the in-lieu fee required is based upon criteria outlined in Morgan Hill Municipal Code Chapter 17.28. The proposed project would be required to comply with the City's parkland dedication or in-lieu fees for residential developments, which would avoid significant impacts to the City's park facilities.

Therefore, the proposed project would incrementally increase the demand on parks. However, with the payment of the parkland in-lieu fees, the proposed project would result in a less than significant impact on parks.

Mitigation Measures: No mitigation is required.

5) Other public facilities?

No Impact. The proposed project would not result in the need for any other additional public facilities in the project vicinity such as libraries, community centers, new roadways, or government buildings, etc. Therefore, no impacts would occur as a result of project implementation.

Mitigation Measures: No mitigation is required.



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4.15 RECREATION

<i>Would the project:</i>	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			✓	
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				✓

- a) ***Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?***

Less Than Significant Impact. As discussed under Checklist Item 4.14(d), future development within the project site would incrementally increase the demand for recreational facilities in the City of Morgan Hill. However, standard measures required by the City of Morgan Hill (e.g., the payment of in-lieu fees for schools and parkland, etc.) would avoid impacts to recreational facilities from new residential development. Therefore, the proposed project would have a less than significant impact on existing neighborhood and regional parks and/or other recreational facilities.

Mitigation Measures: No mitigation is required.

- b) ***Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?***

No Impact. The proposed project does not include the construction or expansion of recreational facilities. Therefore, no impacts would occur.

Mitigation Measures: No mitigation is required.



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4.16 TRANSPORTATION/TRAFFIC

<i>Would the project:</i>	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?			✓	
b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?			✓	
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				✓
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			✓	
e. Result in inadequate emergency access?			✓	
f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?		✓		

- a) ***Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?***

Less Than Significant Impact. RBF Consulting prepared a Traffic Impact Analysis (TIA) for the proposed project in May 2012, which is included in Appendix C, Traffic Impact Analysis. The TIA is available for review at the City of Morgan Hill Community & Economic Development Department or may be viewed on the city website at www.morganhill.ca.gov/ceqa.

It should be noted that the proposed project has been revised since preparation of the May 2012 TIA. The May 2012 TIA includes an analysis of a 118-acre area that included the proposed 51-acre project site, the development of 54 single family dwelling units, and the potential development of six additional dwelling units. The current revisions to the project include elimination of the alternative access routes, and entitlements for the 51-acre area to be developed with 54 dwelling units. The remaining 67 acres (including the six additional dwelling units) are not included with the currently proposed project. It should be noted that as the May 2012 TIA analyzed 60 dwelling units and the project proposes 54 dwelling units, the analysis remains conservative and applicable to the proposed project.

Operations of the study intersections were evaluated during the weekday AM and PM peak hours for the following scenarios:

- Existing Conditions;
- Existing Plus Project Conditions;
- Cumulative Without Project Conditions; and
- Cumulative Conditions.

Traffic counts were collected for the intersections in March 2012. Turning movement counts were collected during the AM peak between 7:00 a.m. and 9:00 a.m. and during the PM peak between 4:00 p.m. and 6:00 p.m. for the following study intersections:

- DeWitt Avenue and Edmundson Avenue (County Jurisdiction)
- Olympic Drive and Edmundson Avenue
- Monterey Road and Edmundson Avenue
- Monterey Road and Cosmo Avenue
- Olympic Drive and Bryce Drive
- Olympic Drive and Denali Drive

Level of Service

The Level of Service (LOS) standards for the study intersections were based on the Circulation Element of the *City of Morgan Hill General Plan* and the *Santa Clara County Transportation Authority Congestion Management Program's (CMP) Transportation Impact Analysis Guidelines*. The Edmundson Avenue/ Monterey Road intersection would have a minimum acceptable threshold of LOS E; all other study area intersections would have a minimum acceptable threshold of LOS D. The DeWitt Avenue/Edmundson Avenue intersection is located in the County and would have an LOS threshold of E according to the CMP.

Existing Conditions

Regional access to the project site is provided from U.S. Highway 101. Roadways in the project vicinity of include: Edmundson Avenue, Monterey Road, DeWitt Avenue, Olympic Drive, Cosmo Avenue, Origilia Lane, Denali Drive and Bryce Drive. Under Existing Conditions, all of the study intersections operate at an acceptable LOS. The study intersections operate at LOS A or B with the exception of the Edmundson Avenue/Monterey Road intersection, which operates at C+ during the AM peak hour and C- during the PM peak hour

Existing Plus Project Conditions

Based on the Institute of Transportation Engineers (ITE) Trip Generation, 8th Edition, the proposed project is projected to generate 650 total daily trips, with 55 AM peak hour trips and 69 PM peak hour trips.¹ Trip distribution patterns were developed based on existing traffic patterns at the study intersections and the location of complementary land uses. With the exception of the proposed access route, which would decrease the level of service of the Edmundson Avenue and Monterey Road intersection from LOS C- to LOS D, the LOS would not change over existing conditions. Based on the City of Morgan Hill and CMP impact criteria, the proposed project would have a less than significant impact on the roadway facilities and study intersections.

¹ It should be noted that the "peak hour of the generator" trip rate was utilized, as the "peak hour of the generator" rate typically coincides with the peak hour of the adjacent street traffic and provides the most conservative trip generation rate for Single-Family Detached Housing; refer to [Appendix C](#).

Cumulative Without Project Conditions

The cumulative traffic model for the City evaluates 2030 General Plan conditions, plus any amendments to the General Plan to determine the appropriate future year traffic volumes. The Cumulative traffic volumes under Cumulative Without Project Conditions at the intersection of DeWitt Avenue/Edmundson Avenue decrease compared to the existing traffic volumes. This is due to the planned County project to construct a bypass road between DeWitt Avenue and Edmundson Avenue. The lower volume at the intersection results in less delay time and improved level of service.

Cumulative With Project Conditions

Similar to Cumulative Without Project Conditions, the traffic at the intersection of DeWitt Avenue/Edmundson Avenue decreases compared to the existing traffic volumes. The level of service at the Edmundson Avenue/Monterey Road intersection decreases from LOS C- to LOS D+. However, all of the study intersections would continue to operate with acceptable levels of service under Cumulative With Project Conditions. Based on the City of Morgan Hill and CMP impact criteria, Cumulative With Project Conditions would have a less than significant impact on the roadway facilities and study intersections.

Mitigation Measures: No mitigation is required.

- b) ***Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?***

Less Than Significant Impact. Refer to Checklist Item 4.16(a). Cumulative With Project Conditions would have a less than significant impact on the roadway facilities and study intersections.

Mitigation Measures: No mitigation is required.

- c) ***Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?***

No Impact. The South County Airport is the closest airport to the project site and is located approximately 3.5 miles to the southeast. The project site is not located within an airport land use plan area. In addition, the project site is not within two miles of a public airport or public use airport. Therefore, no impacts would occur as a result of the proposed project.

Mitigation Measures: No mitigation is required.

- d) ***Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?***

Less Than Significant Impact. The project proposes residential development that would be compatible with the existing site and its surroundings. Access to the proposed project would be from Denali Drive and Bryce Drive. The access routes may include a security gate at the entrances to the proposed community and may include abandonment of portions of Sunset Avenue.

The analysis has indicated that the intersections serving the access routes (Olympic Drive/Bryce Drive and Olympic Drive/Denali Drive) would operate at Level of Service "A" during both peak hours. In addition, the proposed project would be subject to review and approval by the City of Morgan Hill Community Development and Public Works Departments. Access to the project site would be required to comply with all City design standards, which would

preclude the potential for dangerous conditions. Further, the proposed single-family residential development would be similar to existing residential uses in the project area. Thus, impacts would be less than significant in this regard.

Mitigation Measures: No mitigation is required.

e) Result in inadequate emergency access?

Less Than Significant Impact. As described above, access to the proposed project would be from Denali Drive and Bryce Drive. On-site roadways and fire lanes would be required to meet standards imposed by Santa Clara County Fire Department, which provides fire and emergency medical services to the City. As described above in Checklist Item 4.16(a), the proposed project would have a less than significant impact on the roadway facilities and study intersections. Thus, modifications associated with the proposed project would not negatively impact emergency access. Upon adherence to Santa Clara County Fire Department requirements, impacts would be less than significant.

Mitigation Measures: No mitigation is required.

f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

Less Than Significant Impact With Mitigation Incorporated. The proposed project would result in an increase in population at the project site, which would result in an increase in the use of transit, bicycle facilities, and pedestrian facilities.

Transit

The Santa Clara Valley Transportation Authority (VTA) operates fixed route, commuter, and paratransit bus service and light rail service (LRT) in Santa Clara County. VTA provides four bus routes (two local and two regional) that serve the project area. The Peninsula Corridor Joint Powers Board operates Caltrain commuter rail service between San Francisco and San Jose, with weekday commute-hour service to Morgan Hill and Gilroy. Monterey Salinas Transit (MST) operates transit service in Monterey County, and provides express bus service to Morgan Hill and San Jose.

Existing transit service near the project site includes Route 68, Route 121 and Route 168 along Monterey Road. Route 68 provides connections with the Main and Hale Transit Center in Morgan Hill. Weekend service is available. Route 121 provides connections with Route 68 and the Caltrain station in Morgan Hill. No weekend service is available. Route 168 provides connections with Route 68 and the Caltrain station in Morgan Hill. No weekend service is available.

Currently there are bus stops located on Monterey Road just north of Edmundson Avenue. These bus stops are approximately 0.5 mile from the closest project dwellings and it is not anticipated that transit service would be impacted by the proposed project.

Bicycle Transportation

Bicycle facilities are classified in three ways: off-street paths separated by auto traffic (Class I), on-street striped lanes (Class II), and on-street signed routes in which bicycles share the roadway with other vehicles (Class III). In the project vicinity, Class II bike lanes are located on Monterey Road, north of East Middle Avenue; Tennant Avenue between the Community Park Trail and US-101 Northbound Ramp; and Olympic Drive between Edmundson Avenue and Denali Drive. The bike lanes on Olympic Drive are about 0.1 miles from the project site, but are discontinuous from Olympic Drive to Monterey Road and Cosmo Avenue. The bike lanes on Monterey Road and Tennant Drive are

approximately 0.5 miles from the project site. The proposed project would not conflict with the City of Morgan Hill Bikeways Master Plan Update (City of Morgan Hill 2008).

Pedestrian Facilities

Within the project vicinity, sidewalks, crosswalks and pedestrian signals are provided at the intersection of Monterey Road and Edmundson Avenue; at the intersection of Monterey Road and Cosmo Road; and a mid-block pedestrian crossing of Edmundson Avenue between Monterey Road and Piazza Way. Sidewalks are provided along both sides of Olympic Drive, Bryce Drive and Denali Drive. The proposed project would likely increase the number of pedestrians at intersections near the project site. Implementation of Mitigation Measure TR-1 would ensure that the proposed project provides adequate pedestrian connectivity with the adjacent residential neighborhood located in the City.

Mitigation Measures:

- TR-1 Prior to the approval of any tentative map, the owner or designee shall provide plans and specifications to the Community Development Department for approval that incorporate a pedestrian plan into the proposed project indicating the connectivity within the project site, as well as connectivity to adjacent city streets to avoid conflicts with the adopted General Plan.



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4.17 UTILITIES AND SERVICE SYSTEMS

<i>Would the project:</i>	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			✓	
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			✓	
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			✓	
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			✓	
e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			✓	
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			✓	
g. Comply with federal, state, and local statutes and regulations related to solid waste?			✓	

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

Less Than Significant Impact. The South County Regional Wastewater Authority (SCRWA) Wastewater Treatment Plant provides service to the cities of Morgan Hill and Gilroy. The treatment plant is currently permitted by the Regional Water Quality Control Board (RWQCB), Central Coast Region to treat up to 8.5 million gallons per day (mgd). Both the cities of Gilroy and Morgan Hill have growth control systems in place which limits unexpected increases in sewage generation. Based on combined population projections for both cities, the current capacity of 8.5 mgd will be reached in approximately 2019. This capacity is planned to be increased to 12.75 mgd in order to accommodate the future growth needs of both cities.¹ Construction of improvements to provide this capacity will be funded through a combination of developer impact fees and anticipated bond measures.

The project proposes to annex approximately 51 acres into the City, with 54 units proposed to be developed on approximately 20 acres (Lot B) and the remaining acreage to remain open space (Lots A and C). The future development of 54 dwelling units would result in an increase in wastewater generation requiring treatment. However, the increase in demand generated by the additional 54 dwelling units is not expected to interfere with the ability of the wastewater treatment plant to fulfill the wastewater treatment requirements of the Central Coast RWQCB as the proposed project is required to contribute impact fees towards the expansion of the treatment plant capacity

¹ City of Gilroy, SCRWA Improvement Projects, http://www.cityofgilroy.org/cityofgilroy/city_hall/community_development/engineering/scrwa/default.aspx, accessed July 15, 2014.

improvements. Therefore, the proposed project would have a less than significant impact associated with inadequate wastewater treatment capacity.

Mitigation Measures: No mitigation is required.

- b) *Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?***

Less Than Significant Impact. The City of Morgan Hill provides potable water service to its residential, commercial, industrial, and institutional customers within its City limits. The project proposes to annex approximately 51 acres into the City that would accommodate the development of 54 units on approximately 20 acres with the remaining acreage maintained for open space. The project area is primarily vacant and the addition of residential development would require the extension and construction of water and sewer lines at the site. Based on 3.13 persons per household², the development of 54 single-family dwelling units could potentially result in a population increase of 169 persons. The relatively minor amount of development and associated population increase would result in an incremental increase in demand for water and wastewater treatment facilities and would not be expected to require the construction of new water or wastewater treatment facilities or expansion of existing facilities.

Mitigation Measures: No mitigation is required.

- c) *Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?***

Less Than Significant Impact. On-site stormwater drainage facilities would be constructed as a part of the proposed project, which would result in temporary construction related noise and runoff impacts that have been addressed in Sections 4.9, Hydrology and Water Quality, and 4.12, Noise. Applicable measures, as indicated in those sections, would mitigate any potential impacts. Moreover, pursuant to standard conditions of approval of the City, the proposed project would be required to provide adequate drainage facilities, which would be designed to control onsite and offsite flooding. Thus, the onsite drainage improvements proposed by the project to accommodate increased stormwater surface flows and velocities would not have an adverse effect on storm drainage.

Mitigation Measures: No mitigation is required.

- d) *Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?***

Less Than Significant Impact. According to the *City of Morgan Hill 2010 Urban Water Management Plan* (2010 UWMP), the total water use for the City in 2010 was approximately 6,778 acre-feet per year, with a projected use of 9,023 acre-feet for 2015 and 9,637 acre feet per year by 2030.³ By comparison, the total water supply, according to the plan, is 18,054 acre-feet per year, which will increase to 18,422 acre feet per year by 2030.⁴ The project proposes to annex approximately 51 acres into the City, which would accommodate the development of 54 units on approximately 20 acres with the remaining acreage maintained for open space. As stated, the development of 54 dwelling units could potentially result in a population increase of 169 persons. According to the 2010 UWMP, the City's average water use during the 2000 to 2010 period was 194 gallons per day per person. Based on a potential population increase of 169 persons, the project could result in increased water demand of approximately 32,790

² State of California, Department of Finance, *E-5 Population and Housing Estimates for Cities, Counties and the State* — January 1, 2011- 2014. Sacramento, California, May 2014.

³ *City of Morgan Hill 2010 Urban Water Management Plan*, pages 3-10 and 3-11.

⁴ *City of Morgan Hill 2010 Urban Water Management Plan*, page 4-2.

gallons per day or 36.73 acre-feet per year. This represents approximately 0.20 percent of the current water supply and 0.19 percent of the total water supply anticipated in 2030. Thus, the existing and future water supply for the City is adequate to serve the proposed project, and less than significant water supply impacts are anticipated as a result of the proposed project.

Mitigation Measures: No mitigation is required.

- e) ***Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?***

Less Than Significant Impact. Refer to Responses 4.17(a) and 4.17(b), above.

Mitigation Measures: No mitigation is required.

- f) ***Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?***

Less Than Significant Impact. Waste, recycling, and composting collection services for the project site would be provided by Recology, the City's exclusive collection service provider. Recology provides street side garbage, recyclables, and yard waste collection. According to CalRecycle, the City's annual disposal target rate is 6.1 pounds per day per resident. As of 2011, the City has an approved annual per disposal rate of 5.3 pounds per day per resident.⁵ In 2012, Morgan Hill disposed of approximately 33,533 tons of solid waste at landfills.⁶ As stated, project implementation would allow for the future development of 54 dwelling units, potentially resulting in a population increase of 169 persons. Based on a County per capita disposal rate of 0.42 tons per resident per year, the proposed project could potentially require disposal of approximately 71 tons of solid waste per year, which represents approximately 0.19 percent of the total solid waste disposed of in 2012. Solid waste collected from the project site would likely be disposed of at three different landfill sites: Kirby Canyon Recycling and Disposal Facility, Guadalupe Sanitary Landfill, and John Smith Road Landfill, all of which have sufficient capacity to serve the proposed project. Thus, the increase in solid waste that would be generated by the proposed residential development would not be substantial and would be accommodated within existing landfill capacities. Furthermore, the proposed development would be required to comply with local statutes and regulations regarding solid waste, resulting in less than significant solid waste impacts.

Mitigation Measures: No mitigation is required.

- g) ***Comply with federal, state, and local statutes and regulations related to solid waste?***

Less Than Significant Impact. The proposed project would result in the generation of solid waste during the short-term construction process and long-term operations. The proposed project would comply with all Federal, State, and local statutes and regulations related to solid waste, including recycling programs. These regulations include the U.S. Environmental Protection Agency's Resource Conservation and Recovery Act (RCRA), which provides the federal government with "cradle to grave" authority over the disposal of solid waste and hazardous materials. The project would also be required to comply with Assembly Bills 939 and 1327, which require measures to enhance recycling and source reduction. Thus, impacts in this regard would be less than significant.

Mitigation Measures: No mitigation is required.

⁵ CalRecycle, *Jurisdiction Diversion/Disposal Rate Summary (2007-Current)*, <http://www.calrecycle.ca.gov/LGCentral/reports/diversionprogram/JurisdictionDiversionPost2006.aspx>, accessed July 14, 2014.

⁶ CalRecycle, *Jurisdiction Disposal Tonnage Trend*, <http://www.calrecycle.ca.gov/LGCentral/Reports/Jurisdiction/ReviewReports.aspx>, accessed July 14, 2014.



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4.18 MANDATORY FINDINGS OF SIGNIFICANCE

<i>Would the project:</i>	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		✓		
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?		✓		
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?		✓		

- a) ***Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?***

Less Than Significant Impact With Mitigation Incorporated. As described throughout this Initial Study, the proposed project would not substantially degrade the quality of the environment. As described in Section 4.4, Biological Resources, the proposed project would not result in a significant impact to special-status habitat or plant and wildlife species with the incorporation of mitigation measures herein. As described in Section 4.5, Cultural Resources, the proposed project would be required to adhere to mitigation measures that would reduce impacts on cultural resources in the event of their accidental discovery. Thus, impacts would be less than significant.

- b) ***Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?***

Less Than Significant Impact With Mitigation Incorporated. When considered in combination with the effects of past projects, current projects, and probable future projects, the incremental impacts of implementation of the proposed project would not be substantial. Because of the relatively small size, scale, and intensity of the project, the proposed project when considered in combination with the effects of cumulative projects in the vicinity would result in less than significant cumulative impacts related to aesthetics, agricultural resources, geology, hazards and hazardous materials, land use and planning, population and housing, public services, recreation, traffic, and utilities and service systems. Therefore, the overall incremental contribution of the proposed project to cumulative impacts related to the issues noted above would be less than significant.

- c) *Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

Less Than Significant Impact With Mitigation Incorporated. As described throughout this Initial Study, the proposed project would not result in substantial environmental effects on human beings. Mitigation measures are identified to reduce significant adverse effects related to site-specific impacts.

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4.20 REPORT PREPARATION PERSONNEL

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5.0 INVENTORY OF MITIGATION MEASURES

AIR QUALITY

AQ-1 The following Best Management Practices (BMPs) (as set forth in Table 8-1, BAAQMD Basic Construction Mitigation Measures, outlined in the BAAQMD *CEQA Air Quality Guidelines*, shall be included in the construction-contract specifications for the proposed project. The control measures shall be implemented during the duration of all proposed construction activities:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the Town regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

BIOLOGICAL RESOURCES

BIO-1 Santa Clara Valley Habitat Plan. Prior to issuance of any grading or building permit, the project owner or designee shall follow all Santa Clara Valley Habitat Plan requirements applicable to the project site, including but not limited to requirements pertaining to the California tiger salamander, burrowing owl, and wetland habitats. Santa Clara Valley Habitat Plan requirements include the submittal of all relevant applications, avoidance and/or minimization measures of supporting habitats, payment of required fees, and/or implementation of habitat surveys and pre-construction surveys as defined in the plan and required by the permit(s) obtained.

BIO-2 Burrowing Owls. Prior to issuance of any grading or building permit, the project owner or designee shall provide payment of required fees pursuant to the City of Morgan Hill Burrowing Owl Mitigation Plan for impacts to and near suitable burrowing owl habitat. Fees collected by the City shall be used towards purchase and maintenance of preserved lands for burrowing owls. Additionally, in order to avoid impacts to active burrowing owl nests, a qualified biologist shall conduct pre-construction surveys for burrowing owls in the construction footprint and within 250 feet of the construction footprint no more than 30 days prior to the on-set of ground disturbance. These surveys shall be conducted in a manner consistent with accepted burrowing owl survey protocols.

If pre-construction surveys determine that burrowing owls occupy the project site during the non-breeding season (September 1 through January 31), then a passive relocation effort (e.g., blocking burrows with one-way doors and leaving them in place for a minimum of three days) may be necessary

to ensure that the owls are not harmed or injured during construction. Once it has been determined that owls have vacated the project site during the non-breeding season, the burrows can be collapsed, and ground disturbance can proceed.

If burrowing owls are detected within the construction footprint or immediately adjacent lands (i.e., within 250 feet of the footprint) during the breeding season (February 1 through August 31), a construction-free buffer of 250 feet shall be established around all active owl nests. The buffer area shall be enclosed with temporary fencing, and construction equipment and workers shall not be permitted to enter the enclosed setback areas. Buffers shall remain in place for the duration of the breeding season or until it has been confirmed by a qualified biologist that all chicks have fledged and are independent of their parents. After the breeding season, passive relocation of any remaining owls by a qualified biologist may take place.

- BIO-3 Nesting Raptors or Other Migratory Birds. Should project construction be scheduled to commence between February 1st and August 31st, a pre-construction survey shall be conducted by a qualified biologist for nesting birds within the suitable nest areas of the site including trees and high tension towers within the development footprint, as well as all trees within 250 feet of these areas. This survey shall occur no more than two weeks prior to the on-set of site disturbances between February and May and within 30 days of the on-set of construction from June through August.

If pre-construction surveys undertaken during the nesting season locate active nests within or near construction zones, these nests, and an appropriate buffer around them (as determined by a qualified biologist), shall remain off-limits to construction until the nesting season is over. Suitable setback buffers from occupied nests shall be established by a qualified biologist and maintained until the conclusion of the nesting season.

- BIO-4 American Badgers. Pre-construction surveys shall be conducted by a qualified biologist within 30 days of the on-set of site disturbances in order to determine the presence or absence of badgers in the development footprint. If an active badger den is identified during pre-construction surveys within or immediately adjacent to the construction envelope, a construction-free buffer of up to 300 feet shall be established around the den. As badgers are known to use multiple burrows in a breeding burrow complex, a biological monitor shall be present on-site during construction activities to ensure the buffer is adequate to avoid direct impact to individuals or nest abandonment. The monitor shall be present on-site until it is determined that the young are of an independent age and construction activities would not harm individual badgers. Once it has been determined that badgers have vacated the site, the burrows can be collapsed or excavated, and ground disturbance can proceed.

- BIO-5 Prior to Architectural and Site Review or Tentative Map approval, a formal wetland delineation shall be completed by a qualified wetland biologist and submitted to the United States Army Corps of Engineers (USACE) for verification to determine which features of the site are considered to be jurisdictional, if any.

After jurisdictional habitats have been identified (if any), the project owner or designee shall implement avoidance, minimization, and/or compensation measures, as required by the USACE.

If jurisdictional habitats are identified and verified by the USACE, the project applicant may then be required to obtain a Section 404 Clean Water Act permit from the USACE and Section 401 water quality certification from the Regional Water Quality Control Board (RWQCB). These permits would require mitigation for impacts to these features including creation of similar or higher quality habitat at a minimum of a 1:1 loss: creation ratio; or purchase of mitigation bank credits at a minimum 1:1 ratio at an approved mitigation bank. At this time, the USACE and RWQCB do not provide coverage of

impacts through the Santa Clara Valley Habitat Plan; therefore, mitigations related to these agency permits would be in addition to payment of Santa Clara Valley Habitat Plan fees.

CULTURAL RESOURCES

CR-1 The proposed project may adversely impact undocumented human remains or unintentionally discover significant historic or archaeological materials. The following policies and procedures for treatment and disposition of inadvertently discovered human remains or archaeological materials shall apply. If human remains are discovered, it is probable they are the remains of Native Americans.

- If human remains are encountered they shall be treated with dignity and respect as due to them. Discovery of Native American remains is a very sensitive issue and serious concern. Information about such a discovery shall be held in confidence by all project personnel on a need to know basis. The rights of Native Americans to practice ceremonial observances on sites, in labs and around artifacts shall be upheld.
- Remains should not be held by human hands. Surgical gloves should be worn if remains need to be handled.
- Surgical mask should also be worn to prevent exposure to pathogens that may be associated with the remains.
- In the event that known or suspected Native American remains are encountered or significant historic or archaeological materials are discovered, ground-disturbing activities shall be immediately stopped. Examples of significant historic or archaeological materials include, but are not limited to, concentrations of historic artifacts (e.g., bottles, ceramics) or prehistoric artifacts (chipped chert or obsidian, arrow points, groundstone mortars and pestles), culturally altered ash-stained midden soils associated with pre-contact Native American habitation sites, concentrations of fire-altered rock and/or burned or charred organic materials, and historic structure remains such as stone-lined building foundations, wells or privy pits. Ground disturbing project activities may continue in other areas that are outside the exclusion zone as defined below.
- An "exclusion zone" where unauthorized equipment and personnel are not permitted shall be established (e.g., taped off) around the discovery area plus a reasonable buffer zone by the Contractor Foreman or authorized representative, or party who made the discovery and initiated these protocols, or if on-site at the time of discovery, by the Monitoring Archaeologist (typically 25-50 feet for single burial or archaeological find).
- The exclusion zone shall be secured (e.g., 24 hour surveillance) as directed by the City or County if considered prudent to avoid further disturbances.
- The Contractor Foreman or authorized representative, or party who made the discovery and initiated these protocols shall be responsible for immediately contacting by telephone the parties listed below to report the find and initiate the consultation process for treatment and disposition:
 - The City of Morgan Hill Community Development Director
 - The Contractor's Point(s) of Contact
 - The Coroner of the County of Santa Clara (if human remains found)

- The Native American Heritage Commission (NAHC) in Sacramento
 - The Amah Mutsun Tribal Band
- The Coroner has two working days to examine the remains after being notified of the discovery. If the remains are Native American the Coroner has 24 hours to notify the NAHC.
 - The NAHC is responsible for identifying and immediately notifying the Most Likely Descendant (MLD) from the Amah Mutsun Tribal Band. (Note: NAHC policy holds that the Native American Monitor will not be designated the MLD.)
 - Within 24 hours of their notification by the NAHC, the MLD will be granted permission to inspect the discovery site if they so choose.
 - Within 24 hours of their notification by the NAHC, the MLD may recommend to the City's community development director the recommended means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods. The recommendation may include the scientific removal and nondestructive or destructive analysis of human remains and items associated with Native American burials. Only those osteological analyses or DNA analyses recommended by the Amah Mutsun Tribal Band may be considered and carried out.
 - If the MLD recommendation is rejected by the City of Morgan Hill the parties will attempt to mediate the disagreement with the NAHC. If mediation fails then the remains and all associated grave offerings shall be reburied with appropriate dignity on the property in a location not subject to further subsurface disturbance.

CR-2 If paleontological resources are encountered during subsurface construction activities, all work within 50 feet of the discovery shall be redirected until a qualified paleontologist can evaluate the finds and make recommendations. If the paleontological resources are found to be significant, they shall be avoided by project construction activities and recovered by a qualified paleontologist. Upon completion of the recovery, a paleontological assessment shall be conducted by a qualified paleontologist to determine if further monitoring for paleontological resources is required.

The assessment shall include: 1) the results of any geotechnical investigation prepared for the project site; 2) specific details of the construction plans for the project site; 3) background research; and 4) limited subsurface investigation within the project site.

If a high potential to encounter paleontological resources is confirmed, a monitoring plan of further project subsurface construction shall be prepared in conjunction with this assessment. After project subsurface construction has ended, a report documenting monitoring, methods, findings, and further recommendations regarding paleontological resources shall be prepared and submitted to the Director of Community Development.

NOISE

NOI-1 Prior to any Grading Permit issuance, the owner or designee shall demonstrate, to the satisfaction of the Morgan Hill Community Development Department that the project complies with the following:

- All construction equipment shall be equipped with mufflers and sound control devices (e.g., intake silencers and noise shrouds) no less effective than those provided on the original equipment and no equipment shall have an unmuffled exhaust.

- The City shall require that the contractor maintain and tune-up all construction equipment to minimize noise emissions.
- Stationary equipment shall be placed so as to maintain the greatest possible distance to the sensitive use structures.
- All equipment servicing shall be performed so as to maintain the greatest possible distance to the sensitive use structures.
- Trucks shall utilize a route that is least disruptive to sensitive receptors, preferably major roadways, during any necessary off-site import/export of fill material during construction.

TRANSPORTATION/TRAFFIC

- TR-1 Prior to the approval of any tentative map, the owner or designee shall provide plans and specifications to the Community Development Department for approval that incorporate a pedestrian plan into the proposed project indicating the connectivity within the project site, as well as connectivity to adjacent city streets to avoid conflicts with the adopted General Plan.



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6.0 CONSULTANT RECOMMENDATION

Based on the information and environmental analysis contained in the Initial Study/Environmental Checklist, we recommend that the City of Morgan Hill prepare a mitigated negative declaration for the Oak Meadow Plaza project. We find that the proposed project could have a significant effect on a number of environmental issues, but that mitigation measures have been identified that reduce such impacts to a less than significant level. We recommend that the second category be selected for the City of Morgan Hill's determination (see Section 7.0, Lead Agency Determination).

August 12, 2014

Date



Starla Barker, AICP, Project Manager
RBF Consulting



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7.0 LEAD AGENCY DETERMINATION

On the basis of this initial evaluation:

I find that the proposed use COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

—

I find that although the proposal could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described in Section 5.0 have been added. A MITIGATED NEGATIVE DECLARATION will be prepared.

✓

I find that the proposal MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

—

I find that the proposal MAY have a significant effect(s) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or "potentially significant unless mitigated." An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

—

Signature:

Andrew Crabtree

Title:

Community Development Director

Printed Name:

Andrew Crabtree

Agency:

City of Morgan Hill

Date:

August 12, 2014



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MITIGATION MONITORING AND REPORTING PROGRAM

CEQA requires that when a public agency completes an environmental document which includes measures to mitigate or avoid significant environmental effects, the public agency must adopt a reporting or monitoring plan. This requirement ensures that environmental impacts found to be significant will be mitigated. The reporting or monitoring plan must be designed to ensure compliance during project implementation (*Public Resources Code* Section 21081.6).

In compliance with *Public Resources Code* Section 21081.6, the attached *Mitigation Monitoring and Reporting Program* has been prepared for the proposed Nickelodeon Office Building Project. This *Mitigation Monitoring and Reporting Program* is intended to provide verification that all mitigation measures identified in the Initial Study prepared for the project are monitored and reported. Monitoring will include 1) verification that each mitigation measure has been implemented; 2) recordation of the actions taken to implement each mitigation; and 3) retention of records in the project file.

This *Mitigation Monitoring and Reporting Program* delineates responsibilities for monitoring the project, but also allows the City of Morgan Hill flexibility and discretion in determining how best to monitor implementation. Monitoring procedures will vary according to the type of mitigation measure. Adequate monitoring consists of demonstrating that monitoring procedures took place and that mitigation measures were implemented.

Reporting consists of establishing a record that a mitigation measure is being implemented, and generally involves the following steps:

- The City distributes reporting forms to the appropriate entities for verification of compliance.
- Departments/agencies with reporting responsibilities will review the Initial Study, which provides general background information on the reasons for including specified mitigation measures.
- Problems or exceptions to compliance will be addressed to the City as appropriate.
- Periodic meetings may be held during project implementation to report on compliance of mitigation measures.
- Responsible parties provide the City with verification that monitoring has been conducted and ensure, as applicable, that mitigation measures have been implemented. Monitoring compliance may be documented through existing review and approval programs such as field inspection reports and plan review.
- The City prepares a reporting form periodically during the construction phase and an annual report summarizing all project mitigation monitoring efforts.
- Appropriate mitigation measures will be included in construction documents and/or conditions of permits/approvals.

Minor changes to the *Mitigation Monitoring and Reporting Program*, if required, would be made in accordance with CEQA and would be permitted after further review and approval by the City. Such changes could include reassignment of monitoring and reporting responsibilities, plan redesign to make any appropriate improvements, and/or modification, substitution, or deletion of mitigation measures subject to conditions described in *CEQA Guidelines* Section 15162. No change will be permitted unless the *Mitigation Monitoring and Reporting Program* continues to satisfy the requirements of *Public Resources Code* Section 21081.6.



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MITIGATION MONITORING AND REPORTING CHECKLIST

Mitigation Number	Mitigation Measure	Monitoring and Reporting Process	Monitoring Milestones	Party Responsible for Monitoring	VERIFICATION OF COMPLIANCE		
					Initials	Date	Remarks
AIR QUALITY							
AQ-1	<p>The following Best Management Practices (BMPs) (as set forth in Table 8-1, BAAQMD Basic Construction Mitigation Measures, outlined in the BAAQMD <i>CEQA Air Quality Guidelines</i>), shall be included in the construction-contract specifications for the proposed project. The control measures shall be implemented during the duration of all proposed construction activities:</p> <ul style="list-style-type: none">• All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.• All haul trucks transporting soil, sand, or other loose material off-site shall be covered.• All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.• All vehicle speeds on unpaved roads shall be limited to 15 mph.• All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.• Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California	Review of Project Construction-Contract Specifications/Construction Inspections	Prior to issuance of Grading Permit; Ongoing During Construction	City of Morgan Hill Community Development Department/Construction Contractor			

Mitigation Number	Mitigation Measure	Monitoring and Reporting Process	Monitoring Milestones	Party Responsible for Monitoring	VERIFICATION OF COMPLIANCE		
					Initials	Date	Remarks
	<p>airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.</p> <ul style="list-style-type: none"> All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. Post a publicly visible sign with the telephone number and person to contact at the Town regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations. 						
BIOLOGICAL RESOURCES							
BIO-1	<p><u>Santa Clara Valley Habitat Plan</u>. Prior to issuance of any grading or building permit, the project owner or designee shall follow all Santa Clara Valley Habitat Plan requirements applicable to the project site, including but not limited to requirements pertaining to the California tiger salamander, burrowing owl, and wetland habitats. Santa Clara Valley Habitat Plan requirements include the submittal of all relevant applications, avoidance and/or minimization measures of supporting habitats, payment of required fees, and/or implementation of habitat surveys and pre-construction surveys as defined in the plan and required by the permit(s) obtained.</p>	Compliance with the requirements of the Santa Clara Valley Habitat Plan	Prior to issuance of Grading Permit or Building Permit	City of Morgan Hill Community Development Department			

Mitigation Number	Mitigation Measure	Monitoring and Reporting Process	Monitoring Milestones	Party Responsible for Monitoring	VERIFICATION OF COMPLIANCE		
					Initials	Date	Remarks
BIO-2	<p><u>Burrowing Owls</u>. Prior to issuance of any grading or building permit, the project owner or designee shall provide payment of required fees pursuant to the City of Morgan Hill Burrowing Owl Mitigation Plan for impacts to and near suitable burrowing owl habitat. Fees collected by the City shall be used towards purchase and maintenance of preserved lands for burrowing owls. Additionally, in order to avoid impacts to active burrowing owl nests, a qualified biologist shall conduct pre-construction surveys for burrowing owls in the construction footprint and within 250 feet of the construction footprint no more than 30 days prior to the on-set of ground disturbance. These surveys shall be conducted in a manner consistent with accepted burrowing owl survey protocols.</p> <p>If pre-construction surveys determine that burrowing owls occupy the project site during the non-breeding season (September 1 through January 31), then a passive relocation effort (e.g., blocking burrows with one-way doors and leaving them in place for a minimum of three days) may be necessary to ensure that the owls are not harmed or injured during construction. Once it has been determined that owls have vacated the project site during the non-breeding season, the burrows can be collapsed, and ground disturbance can proceed.</p> <p>If burrowing owls are detected within the construction footprint or immediately adjacent lands (i.e., within 250 feet of the footprint) during the breeding season (February 1 through August 31), a</p>	Payment of required fees pursuant to the City of Morgan Hill Burrowing Owl Mitigation Plan/ Pre-construction Survey/Implementation of passive relocation effort or buffer zone, as appropriate	Prior to issuance of Grading Permit or Building Permit/ Within 30 days of the on-set of site disturbances/ Submittal of Preconstruction Survey	City of Morgan Hill Community Development Department			

Mitigation Number	Mitigation Measure	Monitoring and Reporting Process	Monitoring Milestones	Party Responsible for Monitoring	VERIFICATION OF COMPLIANCE		
					Initials	Date	Remarks
	construction-free buffer of 250 feet shall be established around all active owl nests. The buffer area shall be enclosed with temporary fencing, and construction equipment and workers shall not be permitted to enter the enclosed setback areas. Buffers shall remain in place for the duration of the breeding season or until it has been confirmed by a qualified biologist that all chicks have fledged and are independent of their parents. After the breeding season, passive relocation of any remaining owls by a qualified biologist may take place.						
BIO-3	<p><u><i>Nesting Raptors or Other Migratory Birds</i></u>. Should project construction be scheduled to commence between February 1st and August 31st, a pre-construction survey shall be conducted by a qualified biologist for nesting birds within the suitable nest areas of the site including trees and high tension towers within the development footprint, as well as all trees within 250 feet of these areas. This survey shall occur no more than two weeks prior to the on-set of site disturbances between February and May and within 30 days of the on-set of construction from June through August.</p> <p>If pre-construction surveys undertaken during the nesting season locate active nests within or near construction zones, these nests, and an appropriate buffer around them (as determined by a qualified biologist), shall remain off-limits to construction until the nesting season is over. Suitable setback buffers from occupied nests shall</p>	Pre-construction Survey/Implementation of buffer zone, as appropriate	Prior to issuance of Grading Permit or Building Permit/Within two weeks or 30 days of the on-set of site disturbances/Submittal of Preconstruction Survey	City of Morgan Hill Community Development Department			

Mitigation Number	Mitigation Measure	Monitoring and Reporting Process	Monitoring Milestones	Party Responsible for Monitoring	VERIFICATION OF COMPLIANCE		
					Initials	Date	Remarks
	be established by a qualified biologist and maintained until the conclusion of the nesting season.						
BIO-4	<u>American Badgers</u> . Pre-construction surveys shall be conducted by a qualified biologist within 30 days of the on-set of site disturbances in order to determine the presence or absence of badgers in the development footprint. If an active badger den is identified during pre-construction surveys within or immediately adjacent to the construction envelope, a construction-free buffer of up to 300 feet shall be established around the den. As badgers are known to use multiple burrows in a breeding burrow complex, a biological monitor shall be present on-site during construction activities to ensure the buffer is adequate to avoid direct impact to individuals or nest abandonment. The monitor shall be present on-site until it is determined that the young are of an independent age and construction activities would not harm individual badgers. Once it has been determined that badgers have vacated the site, the burrows can be collapsed or excavated, and ground disturbance can proceed.	Pre-construction Survey/Implementation of buffer zone, as appropriate/ Biological Monitor on-site	Prior to issuance of Grading Permit or Building Permit/Within 30 days of the on-set of site disturbances/Submittal of Preconstruction Survey	City of Morgan Hill Community Development Department/ Biological Monitor			
BIO-5	Prior to Architectural and Site Review or Tentative Map approval, a formal wetland delineation shall be completed by a qualified wetland biologist and submitted to the United States Army Corps of Engineers (USACE) for verification to determine which features of the site are considered to be jurisdictional, if any. After jurisdictional habitats have been identified (if	Review and approval of formal wetland delineation by USACE	Prior to Architectural and Site Review or Tentative Map approval	City of Morgan Hill Community Development Department and USACE			

Mitigation Number	Mitigation Measure	Monitoring and Reporting Process	Monitoring Milestones	Party Responsible for Monitoring	VERIFICATION OF COMPLIANCE		
					Initials	Date	Remarks
	<p>any), the project owner or designee shall implement avoidance, minimization, and/or compensation measures, as required by the USACE.</p> <p>If jurisdictional habitats are identified and verified by the USACE, the project applicant may then be required to obtain a Section 404 Clean Water Act permit from the USACE and Section 401 water quality certification from the Regional Water Quality Control Board (RWQCB). These permits would require mitigation for impacts to these features including creation of similar or higher quality habitat at a minimum of a 1:1 loss: creation ratio; or purchase of mitigation bank credits at a minimum 1:1 ratio at an approved mitigation bank. At this time, the USACE and RWQCB do not provide coverage of impacts through the Santa Clara Valley Habitat Plan; therefore, mitigations related to these agency permits would be in addition to payment of Santa Clara Valley Habitat Plan fees.</p>						
CULTURAL RESOURCES							
CR-1	<p>The proposed project may adversely impact undocumented human remains or unintentionally discover significant historic or archaeological materials. The following policies and procedures for treatment and disposition of inadvertently discovered human remains or archaeological materials shall apply. If human remains are discovered, it is probable they are the remains of Native Americans.</p> <ul style="list-style-type: none"> If human remains are encountered they shall be 	During grading activities/Contact identified parties/Establish 'exclusion zone'	Prior to issuance of Grading Permits/Ongoing during construction activities	City of Morgan Hill Community Development Department/ Construction Contractor/Coroner's Office and NAHC, if remains are discovered.			

Mitigation Number	Mitigation Measure	Monitoring and Reporting Process	Monitoring Milestones	Party Responsible for Monitoring	VERIFICATION OF COMPLIANCE		
					Initials	Date	Remarks
	<p>treated with dignity and respect as due to them. Discovery of Native American remains is a very sensitive issue and serious concern. Information about such a discovery shall be held in confidence by all project personnel on a need to know basis. The rights of Native Americans to practice ceremonial observances on sites, in labs and around artifacts shall be upheld.</p> <ul style="list-style-type: none"> • Remains should not be held by human hands. Surgical gloves should be worn if remains need to be handled. • Surgical mask should also be worn to prevent exposure to pathogens that may be associated with the remains. • In the event that known or suspected Native American remains are encountered or significant historic or archaeological materials are discovered, ground-disturbing activities shall be immediately stopped. Examples of significant historic or archaeological materials include, but are not limited to, concentrations of historic artifacts (e.g., bottles, ceramics) or prehistoric artifacts (chipped chert or obsidian, arrow points, groundstone mortars and pestles), culturally altered ash-stained midden soils associated with pre-contact Native American habitation sites, concentrations of fire-altered rock and/or burned or charred organic materials, and historic structure remains such as stone-lined building foundations, wells or privy pits. 						

Mitigation Number	Mitigation Measure	Monitoring and Reporting Process	Monitoring Milestones	Party Responsible for Monitoring	VERIFICATION OF COMPLIANCE		
					Initials	Date	Remarks
	<p>Ground disturbing project activities may continue in other areas that are outside the exclusion zone as defined below.</p> <ul style="list-style-type: none"> An "exclusion zone" where unauthorized equipment and personnel are not permitted shall be established (e.g., taped off) around the discovery area plus a reasonable buffer zone by the Contractor Foreman or authorized representative, or party who made the discovery and initiated these protocols, or if on-site at the time of discovery, by the Monitoring Archaeologist (typically 25-50 feet for single burial or archaeological find). The exclusion zone shall be secured (e.g., 24 hour surveillance) as directed by the City or County if considered prudent to avoid further disturbances. The Contractor Foreman or authorized representative, or party who made the discovery and initiated these protocols shall be responsible for immediately contacting by telephone the parties listed below to report the find and initiate the consultation process for treatment and disposition: <ul style="list-style-type: none"> The City of Morgan Hill Community Development Director The Contractor's Point(s) of Contact The Coroner of the County of Santa Clara (if human remains found) 						

Mitigation Number	Mitigation Measure	Monitoring and Reporting Process	Monitoring Milestones	Party Responsible for Monitoring	VERIFICATION OF COMPLIANCE		
					Initials	Date	Remarks
	<ul style="list-style-type: none"> - The Native American Heritage Commission (NAHC) in Sacramento - The Amah Mutsun Tribal Band • The Coroner has two working days to examine the remains after being notified of the discovery. If the remains are Native American the Coroner has 24 hours to notify the NAHC. • The NAHC is responsible for identifying and immediately notifying the Most Likely Descendant (MLD) from the Amah Mutsun Tribal Band. (Note: NAHC policy holds that the Native American Monitor will not be designated the MLD.) • Within 24 hours of their notification by the NAHC, the MLD will be granted permission to inspect the discovery site if they so choose. • Within 24 hours of their notification by the NAHC, the MLD may recommend to the City's community development director the recommended means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods. The recommendation may include the scientific removal and nondestructive or destructive analysis of human remains and items associated with Native American burials. Only those osteological analyses or DNA analyses recommended by the Amah Mutsun Tribal Band may be considered and carried out. 						

Mitigation Number	Mitigation Measure	Monitoring and Reporting Process	Monitoring Milestones	Party Responsible for Monitoring	VERIFICATION OF COMPLIANCE		
					Initials	Date	Remarks
	<ul style="list-style-type: none"> If the MLD recommendation is rejected by the City of Morgan Hill the parties will attempt to mediate the disagreement with the NAHC. If mediation fails then the remains and all associated grave offerings shall be reburied with appropriate dignity on the property in a location not subject to further subsurface disturbance. 						
CR-2	<p>If paleontological resources are encountered during subsurface construction activities, all work within 50 feet of the discovery shall be redirected until a qualified paleontologist can evaluate the finds and make recommendations. If the paleontological resources are found to be significant, they shall be avoided by project construction activities and recovered by a qualified paleontologist. Upon completion of the recovery, a paleontological assessment shall be conducted by a qualified paleontologist to determine if further monitoring for paleontological resources is required.</p> <p>The assessment shall include: 1) the results of any geotechnical investigation prepared for the project site; 2) specific details of the construction plans for the project site; 3) background research; and 4) limited subsurface investigation within the project site.</p> <p>If a high potential to encounter paleontological resources is confirmed, a monitoring plan of further project subsurface construction shall be prepared in conjunction with this assessment. After project subsurface construction has ended, a report</p>	During grading activities/ Retention of a Professional Paleontologist	Prior to issuance of Grading Permits/Ongoing during construction activities	City of Morgan Hill Community Development Department/ Construction Contractor/ Paleontologist			

Mitigation Number	Mitigation Measure	Monitoring and Reporting Process	Monitoring Milestones	Party Responsible for Monitoring	VERIFICATION OF COMPLIANCE		
					Initials	Date	Remarks
	documenting monitoring, methods, findings, and further recommendations regarding paleontological resources shall be prepared and submitted to the Director of Community Development.						
NOISE							
NOI-1	<p>Prior to any Grading Permit issuance, the owner or designee shall demonstrate, to the satisfaction of the Morgan Hill Community Development Department that the project complies with the following:</p> <ul style="list-style-type: none"> All construction equipment shall be equipped with mufflers and sound control devices (e.g., intake silencers and noise shrouds) no less effective than those provided on the original equipment and no equipment shall have an unmuffled exhaust. The City shall require that the contractor maintain and tune-up all construction equipment to minimize noise emissions. Stationary equipment shall be placed so as to maintain the greatest possible distance to the sensitive use structures. All equipment servicing shall be performed so as to maintain the greatest possible distance to the sensitive use structures. Trucks shall utilize a route that is least disruptive to sensitive receptors, preferably major roadways, during any necessary off-site import/export of fill material during construction. 	Issuance of Grading Permit/ Ongoing during construction	Prior to issuance of Grading Permits/Ongoing during construction activities	City of Morgan Hill Community Development Department			
TRANSPORTATION/TRAFFIC							
TR-1	Prior to the approval of any tentative map, the owner or designee shall provide plans and	Review and approval of plans	Prior to approval of tentative map	City of Morgan Hill Community			

Mitigation Number	Mitigation Measure	Monitoring and Reporting Process	Monitoring Milestones	Party Responsible for Monitoring	VERIFICATION OF COMPLIANCE		
					Initials	Date	Remarks
	specifications to the Community Development Department for approval that incorporate a pedestrian plan into the proposed project indicating the connectivity within the project site, as well as connectivity to adjacent city streets to avoid conflicts with the adopted General Plan.	and specifications		Development Department			

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING A REQUEST TO AMEND THE GENERAL PLAN LAND USE DESIGNATION OF A 14.38-ACRE AREA FROM RURAL COUNTY/OPEN SPACE TO OPEN SPACE AND A 16.39-ACRE AREA FROM RURAL COUNTY/OPEN SPACE TO OPEN SPACE LOCATED WEST OF SUNSET AVENUE (APNS 767-15-026, 767-19-028, -020, AND -024) AND TO AMEND THE COMMUNITY DEVELOPMENT ELEMENT ACTION STATEMENT 7.5.

WHEREAS, the applicant's request to amend the General Plan Land Use Designation from Rural County/Open Space to Open Space for the subject site and amendment to the Community Development Element Action Statement 7.5 was considered by the Planning Commission at their regular meeting of January 13, 2015. The Commission received testimony at the duly-noticed public hearing, along with exhibits and drawings and other materials that were considered in the review process. The Commission recommended that the City Council approve the amendment with modifications; and

WHEREAS, a Mitigated Negative Declaration (MND) was prepared in accordance with the California Environmental Quality Act (CEQA) to evaluate potential environmental impacts associated with the project. The MND is intended to serve as an informational document for the public agency decision makers and the public regarding the project and was adopted under separate Resolution on February 4, 2015; and

WHEREAS, the applicant's request to amend the General Plan Land Use Designation from Rural County/Open Space to Open Space for the subject site and amendment to the Community Development Element Action Statement 7.5 was considered by the City Council at their regular meeting of February 4, 2015; and

WHEREAS, testimony received at a duly-noticed public hearing, along with exhibits and drawings and other materials have been considered in the review process; and

WHEREAS, at which time the City Council approved the General Plan Amendment application as shown on the attached map GPA-11-04: Edmundson-Oak Meadow; and

NOW, THEREFORE, THE CITY COUNCIL OF MORGAN HILL DOES RESOLVE AS FOLLOWS:

SECTION 1. The General Plan Amendment, as recommended by staff, is consistent with the provisions of the General Plan.

SECTION 2. The project is consistent with the Morgan Hill General Plan regarding the Urban Growth Boundary Goal 3, Policies 3b, 3d and 3e:

- Goal 3. A long-term Urban Growth Boundary and Urban Limit Line around the City*
- Policy 3b. Allow Urban Service Area expansions only within the long-term Urban Growth Boundary and for lands with urban designations; the timing and extent of Urban Service Area expansion shall remain consistent with established Urban Service Area expansion policies and ordinances.*
- Policy 3d. Establish and maintain an Urban Limit Line around the City to serve as a longer term version of the Urban Growth Boundary and define the inner limits of potential greenbelt areas.*
- Policy 3e. The Urban Limit Line should be continuous around the City and located outside of or coterminous with the City limits and Urban Growth Boundary. Greenbelt areas should be located outside of the ULL. The ULL may be located within City limits so that parks or other City-designated open space land at the fringe of the community may be included within the Greenbelt.*

The Edmundson-Oak Meadow project is consistent with Policy 3b, 3d and 3e; the portion of the project that is proposed for residential development is located within the UGB and ULL, and the future proposed Urban Service Area (USA) expansion would be consistent with the established USA expansion policies and ordinances as discussed in detail in prior staff reports. The project area that is outside of the UGB and ULL will have development restrictions that will limit the location and intensity of future development to be consistent with the surrounding development located in the County.

SECTION 3. The Project is consistent with the Morgan Hill General Plan regarding the Urban Growth Boundary Goal 5, Policies 5a, and 5b:

- Goal 5. Preservation of agricultural and open space uses on unincorporated lands outside the UGB*
- Policy 5a. Promote the maintenance of current County General Plan policies encouraging low density uses, including large lots and agriculture, for County projects adjacent to the UGB.*
- Policy 5b. Retain current Rural County and Open Space land use designations in the City's General Plan, applicable to rural unincorporated lands outside the UGB.*

The Edmundson-Oak Meadow project is consistent with Goal 5, Policy 5a and 5b since it proposes to maintain Rural County and/or Open Space designations for all of the project area that is outside of the UGB. In addition, the project will be conditioned to include a Development Agreement that will provide open space easements over steeper portions of the project site (over 10% slope), and limit future development areas.

SECTION 4. The project is consistent with the Morgan Hill General Plan regarding the Urban Growth Boundary Goal 4, Policy 4a:

Goal 4. Efficient and appropriate development of land within the UGB

Policy 4a. Support the County's policy to avoid land uses and development in the unincorporated areas which would potentially conflict with future annexation and the optimal utilization of lands within the UGB. Also encourage the County to retain large minimum parcel sizes, and promote agricultural and open space uses on unincorporated lands.

The Edmundson-Oak Meadow project allows for the future expansion of the USA to be consistent with the UGB and ULL on the project site. The project furthers Goal 4 and Policy 4a by granting an open space easement to the City of Morgan Hill that limits future development on the 30.77 acres adjacent to the UGB.

SECTION 5. The Project is consistent with the Morgan Hill General Plan regarding Policy 8d:

Neighborhoods

Policy 8d. Complete street connections between neighborhoods to promote efficient circulation and emergency service response time.

The Edmundson-Oak Meadow project is consistent with Policy 8d since it proposes access from the existing Denali Drive and Bryce Drive.

SECTION 6. The Project is consistent with the Morgan Hill General Plan regarding Policy 2c, Action 2.6, Policy 2p and Actions 2.17 and 2.18:

(Policies and Actions regarding Creation of the Greenbelt)

Policy 2c. Protect views of hillsides, ridgelines and prominent natural features surrounding the City. These features help define the City's historic rural character, sense of place, image and identity.

Action 2.6. The highest priority areas for Greenbelt preservation include the east side of El Toro, the Edmundson/DeWitt/Sunset area, and the foothills on the eastern side of the valley north of Dunne Ave.

(Policies and Actions regarding uses within the Greenbelt)

Policy 2p. Within Greenbelt areas, parks, and other designated open spaces, scenic/open space easements, golf courses, low intensity public facilities involving minimal permanent improvements and agricultural activities are appropriate uses. Existing residential may remain and new residential uses should be located and designed to have minimal visual and other environmental impacts.

Action 2.17. Within City Hillside Greenbelt areas, new development should be

subject to a site and design review process that encourages minimizing environmental impacts including the amount of grading and encouraging location of structures in areas where they are least visible from the valley floor.

Action 2.18. The basic Santa Clara County development review process should be evaluated, updated and strengthened to achieve greater restrictions on the visibility, from the valley floor and major transportation corridors, of structures in the hillside Greenbelt areas. This updated review process should result in a minimal review process for structures that are not visible from the valley floor and major transportation corridors and an extensive review process for structures that are visible.

The proposed project is consistent with Policy 2c and 2p and Actions 2.6, 2.17 and 2.18. These policies and actions all seek to promote the protection of hillsides and limit the development within the greenbelt and hillside areas in and around the City.

SECTION 7. The City Council hereby approves the General Plan Amendment as shown in the attached Exhibit ‘A’ and Exhibit ‘B’.

SECTION 8. This Resolution is effective immediately upon adoption, but shall be subject to a validly filed and processed referendum petition.

PASSED AND ADOPTED THIS 4th DAY OF FEBRUARY 2015, AT A REGULAR MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

ATTEST:

IRMA TORREZ
City Clerk

CERTIFICATION

I, Irma Torrez, City Clerk of the City of Morgan Hill, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. _____, adopted by the City Council at the meeting held on February 4, 2015.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: _____

Irma Torrez, CITY CLERK

EXHIBIT A
General Plan Land Use
Edmundson-Oak Meadow Project
Open Space Proposed

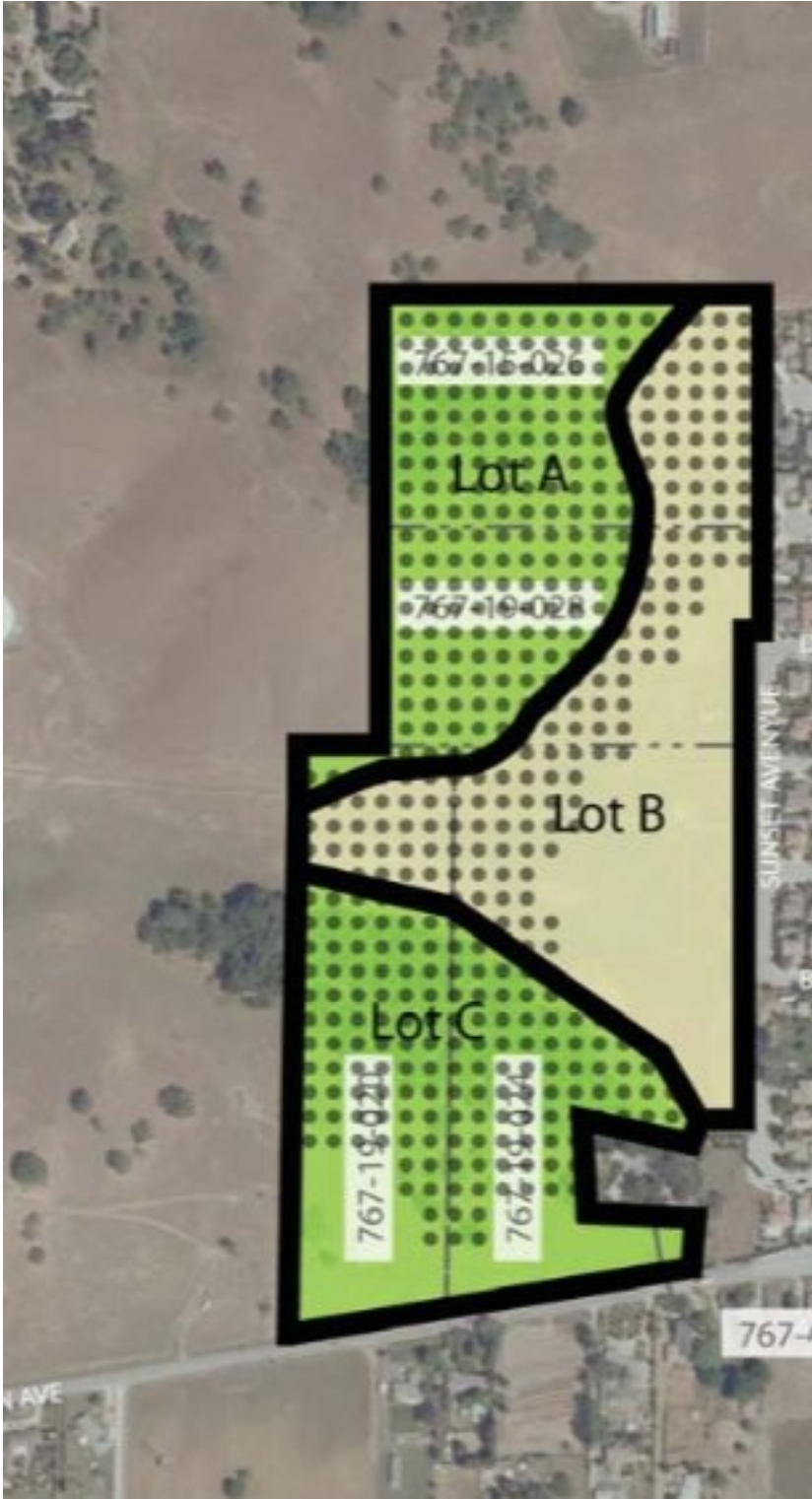


EXHIBIT B

Proposed text changes to General Plan Community Development Element Action 7.5:

“Consistent with the recommendations of the Urban Limit Line/Greenbelt Study Report, enter into an agreement with the owners of 118 acres of land in the area generally bound by Sunset, Edmundson and DeWitt which would provide for the following:

- a) Construction of four houses on lots which front on Edmundson Avenue. b) Construction of one house on the property which fronts on DeWitt Avenue.
- c) Expansion of the Urban Growth Boundary to include 19 acres adjacent to Sunset Avenue, consisting of slopes of 10 percent or less, and allowing a maximum of 22 dwelling units between one and three houses per acre.
- d) Recordation of open space easement over approximately 84 acres of the property (most of which is located outside of the City) prohibiting any further development of that area.”

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING A REQUEST TO AMEND THE GENERAL PLAN LAND USE DESIGNATION OF AN 14.38-ACRE AREA FROM RURAL COUNTY/OPEN SPACE TO OPEN SPACE AND A 16.39-ACRE AREA FROM RURAL COUNTY/OPEN SPACE TO OPEN SPACE LOCATED WEST OF SUNSET AVENUE (APNS 767-15-026, 767-19-028, -020, AND -024) AND AMEND THE COMMUNITY DEVELOPMENT ELEMENT ACTION STATEMENT 7.5.

WHEREAS, the applicant's request to amend the General Plan Land Use Designation from Rural County/Open Space to Open Space for the subject site and amendment to the Community Development Element Action Statement 7.5 was considered by the Planning Commission at their regular meeting of January 13, 2015. The Commission received testimony at the duly-noticed public hearing, along with exhibits and drawings and other materials that were considered in the review process. The Commission recommended that the City Council approve the amendment with modifications; and

WHEREAS, a Mitigated Negative Declaration (MND) was prepared in accordance with the California Environmental Quality Act (CEQA) to evaluate potential environmental impacts associated with the project. The MND is intended to serve as an informational document for the public agency decision makers and the public regarding the project and was adopted under separate Resolution on February 4, 2015; and

WHEREAS, the applicant's request to amend the General Plan Land Use Designation from Rural County/Open Space to Open Space for the subject site and amendment to the Community Development Element Action Statement 7.5 was considered by the City Council at their regular meeting of February 4, 2015; and

WHEREAS, testimony received at a duly-noticed public hearing, along with exhibits and drawings and other materials have been considered in the review process; and

WHEREAS, at which time the City Council approved the General Plan Amendment application as shown on the attached map GPA-11-04: Edmundson-Oak Meadow; and

NOW, THEREFORE, THE CITY COUNCIL OF MORGAN HILL DOES RESOLVE AS FOLLOWS:

SECTION 1. The General Plan Amendment, as recommended by staff, is consistent with the provisions of the General Plan.

SECTION 2. The project is consistent with the Morgan Hill General Plan regarding the Urban Growth Boundary Goal 3, Policies 3b, 3d and 3e:

Goal 3. A long-term Urban Growth Boundary and Urban Limit Line around the City

Policy 3b. Allow Urban Service Area expansions only within the long-term Urban Growth Boundary and for lands with urban designations; the timing and extent of Urban Service Area expansion shall remain consistent with established Urban Service Area expansion policies and ordinances.

Policy 3d. Establish and maintain an Urban Limit Line around the City to serve as a longer term version of the Urban Growth Boundary and define the inner limits of potential greenbelt areas.

Policy 3e. The Urban Limit Line should be continuous around the City and located outside of or coterminous with the City limits and Urban Growth Boundary. Greenbelt areas should be located outside of the ULL. The ULL may be located within City limits so that parks or other City-designated open space land at the fringe of the community may be included within the Greenbelt.

The Edmundson-Oak Meadow project is consistent with Policy 3b, 3d and 3e; the portion of the project that is proposed for residential development is located within the UGB and ULL, and the proposed Urban Service Area (USA) expansion is consistent with the established USA expansion policies and ordinances as discussed in detail in prior staff reports. The project area that is outside of the UGB and ULL will have development restrictions that will limit the location and intensity of future development to be consistent with the surrounding development located in the County.

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Goal 5. Preservation of agricultural and open space uses on unincorporated lands outside the UGB

Policy 5a. Promote the maintenance of current County General Plan policies encouraging low density uses, including large lots and agriculture, for County projects adjacent to the UGB.

Policy 5b. Retain current Rural County and Open Space land use designations in the City's General Plan, applicable to rural unincorporated lands outside the UGB.

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The proposed project is consistent with Policy 2c and 2p and Actions 2.6, 2.17 and 2.18. These policies and actions all seek to promote the protection of hillsides and limit the development within the greenbelt and hillside areas in and around the City.

SECTION 7. The City Council hereby approves the General Plan Amendment as shown in the attached Exhibit ‘A’ and Exhibit ‘B’.

SECTION 8. This Resolution is effective immediately upon adoption, but shall be subject to a validly filed and processed referendum petition.

PASSED AND ADOPTED THIS 4th DAY OF FEBRUARY 2015, AT A REGULAR MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

ATTEST:

IRMA TORREZ
City Clerk

CERTIFICATION

I, Irma Torrez, City Clerk of the City of Morgan Hill, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. _____, adopted by the City Council at the meeting held on February 4, 2015.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: _____

Irma Torrez, CITY CLERK

EXHIBIT A
General Plan Land Use
Edmundson-Oak Meadow Project
Open Space Proposed

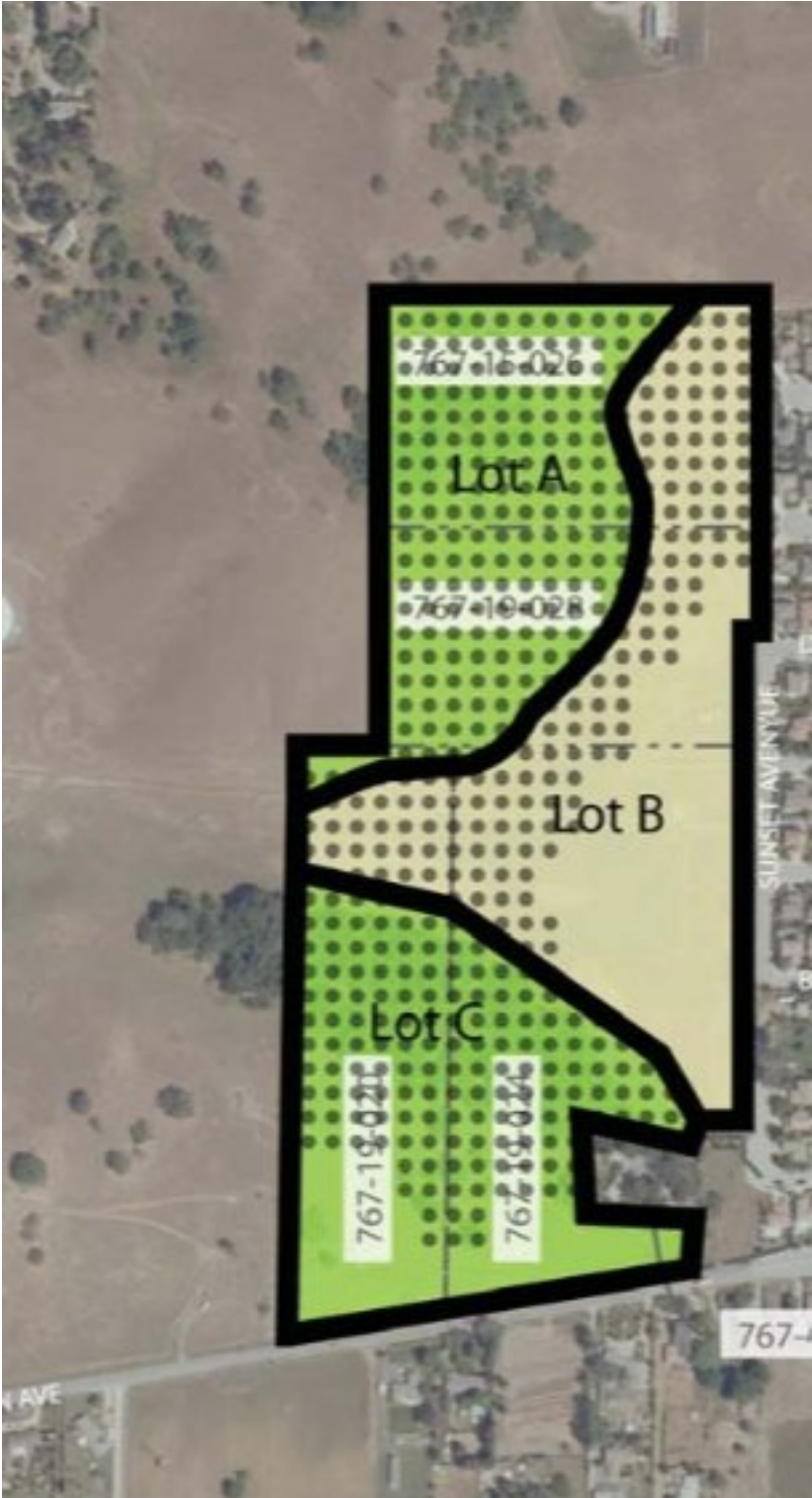


EXHIBIT B

Proposed text changes to General Plan Community Development Element Action 7.5:

~~“Consistent with the recommendations of the Urban Limit Line/Greenbelt Study Report, enter into an agreement with the owners of 118 acres of land in the area generally bound by Sunset, Edmundson and DeWitt which would provide for the following:~~

~~a) Construction of four houses on lots which front on Edmundson Avenue. b) Construction of one house on the property which fronts on DeWitt Avenue.~~

~~c) Expansion of the Urban Growth Boundary to include 19 acres adjacent to Sunset Avenue, consisting of slopes of 10 percent or less, and allowing between one and three houses per acre.~~

~~d) Recordation of open space easement over approximately 84 acres of the property (most of which is located outside of the City) prohibiting any further development of that area.”~~

Enter into an agreement with the owners of the 118 acres of land in the area generally bound by Sunset, West Edmundson, and DeWitt, which would provide for the following:

a) Recordation of an open space easement generally over the property which fronts on West Edmundson Avenue and is in excess of ten percent slope.

b) Recordation of an open space easement generally over the property which fronts DeWitt Avenue and is in excess of ten percent slope.

c) Recordation of open space easements over the approximate 14-acre property easterly of the City reservoir and the approximate 16-acre area south of the approximate 20-acre area designated Single-Family Low on the Land Use Diagram of the City of Morgan Hill General Plan.

d) Amend the General Plan Land Use Diagram to designate the approximate 14 acres and the approximate 16 acres described above in Section (c) as Open Space.



OAK MEADOW

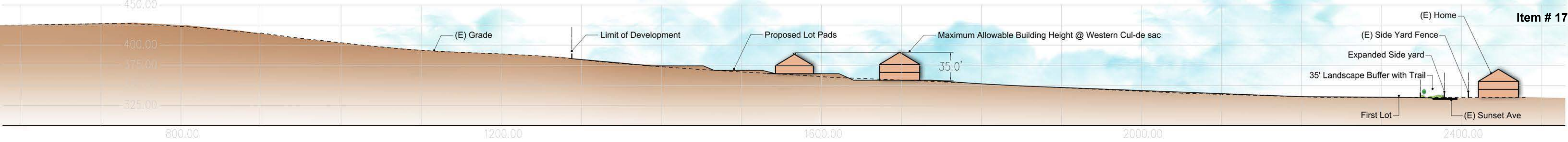
MORGAN HILL, CA

SITE LANDSCAPE MASTER PLAN

DATE: 12-28-14

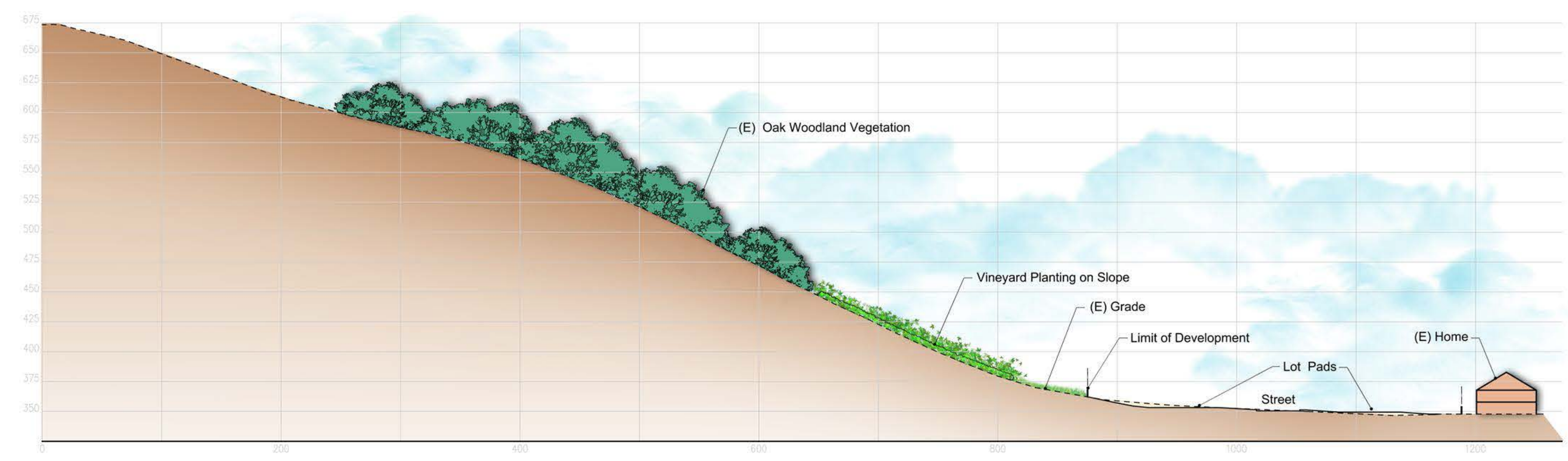
SCALE: 1" = 60'





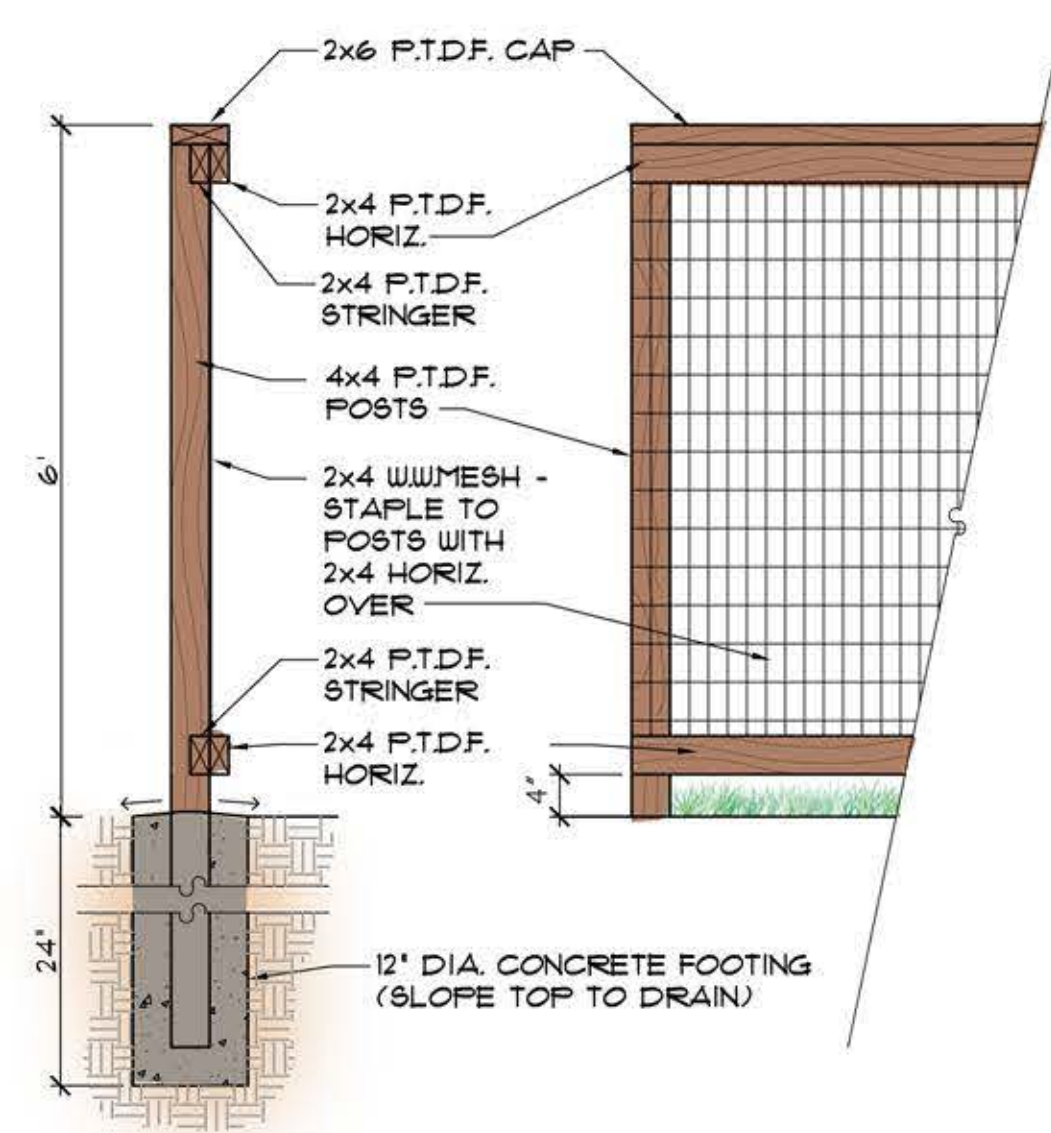
SCALE: 1"= 60'

Section 'A'



SCALE: 1"= 60'

Section 'B'



6' WIRE VIEW FENCE
SCALE 3/4"=1'

OAK MEADOW

MORGAN HILL, CA

SITE SECTIONS / DETAILS

DATE: 12-28-14



2540 CAMINO DIABLO
SUITE 201
WALNUT CREEK, CA 94597
P. (925) 941-6490
F. (925) 941-6455
EMAIL: tc@campandcamp.com
JOB # 14-000



MH engineering Co.

16075 Vineyard Blvd., Morgan Hill, CA 95037
(408) 779-7381/226-3050; Fax (408) 226-5712

Revised November 12, 2014

MH#23108

Urban Service Area Expansion For Oak Meadow Project

Beneficial Criteria

Oak Meadow promotes orderly and contiguous development by allowing for the provision of needed infrastructure and allowing for public facilities such as open space under conservation easements and public trails as follows.

- Oak Meadow will complete two streets to full city standards, Bryce Drive and Sunset Avenue.
- Oak Meadow will install stop signs on Olympic Drive at Bryce Drive and Denali Drive to deter fast-moving traffic.
- Oak Meadow will relocate a major 10" water main currently without physical access for maintenance, to an accessible location under a paved street within the Oak Meadow project.
- Oak Meadow will provide dedication and street widening along Edmundson Avenue on the north side and restripe the lane transition from two lanes to one lane, now located near the CRC, to a location west of Olympic Drive.
- Per the direction of the Greenbelt Study around Morgan Hill, Oak Meadow will record open space conservation easements on all lands owned by Bethany Liou (approximately 118 acres) that are not within the 19.99 acre urban service area expansion, over 10% slope or within building envelopes per a city/developer MOU.
- Oak Meadow (Bethany Liou) will provide trail easements across her private property per the Cities Trail Master Plan and as well as a trail easement from the city's water tank property southerly to Edmundson Avenue. In addition, Oak Meadow will provide a trail easement along Edmundson Avenue toward Community Park.
- Dedicate Right-of-way for the straightening of DeWitt Avenue per County Roads and Airports realignment project.

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